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U.S. MILITARY FORCES TO PROTECT "RE-FLAGGED" KUWAITI OIL TANKERS

HEARINGS

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

JUNE 5, 11, 16, 1987

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U.S. MILITARY FORCES TO PROTECT "RE-FLAGGED" KUWAITI OIL TANKERS

FRIDAY, JUNE 5, 1987

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:33 a.m., in room SR-253, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Stennis, Exon, Levin, Kennedy, Bingaman, Glenn, Shelby, Warner, Thurmond, Humphrey, Wilson and Symms.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Romie L. Brownlee, deputy minority staff director; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; Robert E. Bayer, Richard D. Finn, Jr., Judith A. Freedman, George K. Johnson, Jr., Ronald P. Kelly, James R. Locher, III, David S. Lyles, Norman G. Mosher, Frederick F. Y. Pang, Gordon G. Riggle, and Mark B. Robinson, professional staff members; Russell C. Miller, research assistant and Mary J. Kampo, staff assistant.

Also present: Francis J. Sullivan, assistant to Senator Stennis; Jeffrey B. Subko, assistant to Senator Exon; Greg Weaver, assistant to Senator Levin; Gregory B. Craig and William J. Lynn, assistants to Senator Kennedy; Edward M. McGaffigan, Jr., assistant to Senator Bingaman; Charles C. Smith, assistant to Senator Dixon; Milton D. Beach and Donald A. Mitchell, assistants to Senator Glenn; Leon Fuerth, assistant to Senator Gore; Jeffrey Hyche, assistant to Senator Shelby; William J. Wight, assistant to Senator Warner; Dale F. Gerry and Christopher Mellon, assistants to Senator Cohen; Jay L. Kriss, assistant to Senator Wilson; Alan Ptak, assistant to Senator Gramm; Samuel J. Routson, assistant to Senator Symms; and Patrick A. Putignano, assistant to Senator McCain.

OPENING STATEMENT BY SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. The Armed Services Committee meets today to hear testimony on the military implications of the U.S. military presence in the Persian Gulf, particularly the administration's initiative to protect what we have called now "re-flagged" Kuwaiti oil tankers.

The Chairman of the Joint Chiefs of Staff, Adm. William Crowe, and the other members of the JCS or their representatives have been asked to present their views on this important issue.

For almost 40 years, the United States has continuously deployed naval ships in the Persian Gulf. Everyone I think should understand that. This presence in the Persian Gulf is not a new presence, nor a new commitment.

This military presence in the region, however, has been modest in terms of military deployments, compared to our overall national security objectives there and to Persian Gulf stability.

In 1979, President Carter pledged that the United States would repel an attempt by any outside force to gain control of the Persian Gulf.

Now the current administration has further expanded this demanding commitment by promising U.S. protection for Kuwaiti tankers from regional threats.

This policy initiative raises a number of questions on the policy front, and I would say in advance that I will not be posing all of these policy questions to our panel today. But I think it is important, as we begin the military analysis of this, that we also be conscious of the policy decisions. Of course, we welcome any opinions on these as we get into questions. But we are primarily going to be asking military questions today.

But next week, we will be getting into some policy implications with State Department witnesses and others who will testify.

As we move into these policy considerations, I think we have to understand that these are not normal times. We have a lot of overhanging clouds in the background that affect the perception of both Congress and the American people in these areas.

One overhanging cloud, of course, has been the revelations we have been struggling with in the special committee, upstairs, on the Iran-Contra arms sale matter, the secret sale of arms to Iran for hostages; also, what came to light again yesterday and has been alluded to in the past—the pressure or pledges to pressure Kuwait for the release of Palestinian prisoners, which was part of the overall arms for hostage transaction, and that came out rather clearly yesterday.

The other clouds hanging over this relate to our experience in Lebanon, where we declared Lebanon to be in our "vital interest." I have always felt that the word "vital" meant that you should be prepared to deploy military forces and defend an interest that you have identified as vital. Then, of course, we had the terrible tragedy with our Marines, and then we withdrew from Lebanon. Several of our allies were still there when we withdrew.

So these are the background kind of clouds that we have hanging over the deliberations that we have, which certainly do not dictate the final outcome of what we do. But everyone has to understand that they have an effect on the perception here, on Capitol Hill, and throughout the country.

Of course, the tragedy we just experienced in the attack on the USS *Stark* is a further cloud hanging over this.

We also have to consider the cloud of the Soviet Union and the Kuwaiti invitation to invite the Soviet Union to participate in the defense of their ships by having some of those ships under the Soviet flag. Coincident or not, this invitation to the Soviets apparently came shortly after the revelations became public about America's sale of arms to Iran.

I am not saying that there is a direct connection, but it is a very strong coincidence.

All of these policy questions are very important.

We will be asking questions of our witnesses in this hearing and others about what happens if we completely defend the Kuwaiti tankers, and what do we expect the Iranians to do next in terms of pressure. If they do not do it at sea, are they likely to do it on land, as far as Kuwait is concerned? Finally, where does the reflagging and protection of tankers start and where does it stop?

Will we also expand this and protect all of Kuwait's tankers, or are we just protecting some of them?

Are we planning to have an open-flagging policy with other countries in the Persian Gulf?

Do we exclude the belligerents? Do we have any policy on neutral ships that may be attacked by Iraq as well as by Iran?

What is our policy in that respect?

Now I am not going to ask our witnesses this morning all of these questions; but I think these questions have to be answered by the administration.

These are not necessarily military questions. But if I were in uniform, I would want to make sure that my Government and the Congress of the United States asks these questions as a prelude to the commitment of American men to a new mission.

Too many times, we have gotten into very serious situations abroad and exposed our military people to grave dangers without, in my opinion, having thought through, from a leadership point of view, the implications of those steps.

The specific purpose of this morning's hearing is to hear the views of our country's senior military leadership on the military implications of the administration's plan for U.S. forces to protect Kuwaiti oil tankers. In order for us to understand those military consequences, some fundamental questions should be answered.

How should the U.S. military forces be used to secure our interest in the Persian Gulf? How far is the administration prepared to go in using those forces to carry out their mission?

For example, does this initiative to protect Kuwaiti tankers increase the possibility that the United States will be drawn directly into the war between Iran and Iraq? Are we prepared for that? Are our forces properly structured and equipped to accomplish their mission in the face of not only the conventional threats that we are prepared and trained to face, but also unconventional threats, fanatical attacks, and other, unconventional, threats.

To help us explore these questions this morning, we will turn to our distinguished panel of military witnesses. We will also be hearing from two of our committee members, Senator Warner and Senator Glenn, who have just returned from a lengthy trip to the Persian Gulf. I have invited them to give us their views in any form they choose.

We will have a specific hearing, Senator Warner and Senator Glenn, any time you would like—next week or otherwise. We are also, of course, looking forward to your opening statements this morning and in the hearing next week.

I am sure we will learn a lot from your questions.

So, the invitation is open to you. We know that was a long and very difficult trip.

If anyone labels that one a junket, I would be the first to try to refute it.

I remember the late Senator Bartlett, a dear friend of mine, went all the way out to the Middle East once. He flew I think for 14 or 15 hours out there, stayed on the ground for 6 hours, and flew 15 hours to come back. One of the headlines in his newspaper back home was "Bartlett Takes Another Junket."

[General laughter.]

I know that this was not in that category. It was a deadly serious mission by two very qualified Senators, and we are proud to have them on our committee.

We also have this morning appearing with the Chairman of the Joint Chiefs of Staff, Adm. Carlisle Trost, the Chief of Naval Operations; Gen. Larry Welch, the Chief of Staff of the Air Force; Gen. T. R. Morgan, the Assistant Commandant of the Marine Corps; and Lt. Gen. Robert RisCassi, the Deputy Chief of Staff of the Army for Operations.

We will have opening statements, including those of the members and the witnesses in the public hearing this morning. It is apparent that from the very beginning, we will be asking questions which will get into possible contingencies, military contingencies, and we will move into closed session for that reason after the opening statements.

To the extent that we can, we will have our policy hearings in open session next week. But when we deal with specific military contingencies, I do not think it is in the interest of our national security to do this in open session. At the request of Admiral Crowe, and I think his request is reasonable, we will go into closed session for that.

So at this time, I welcome our witnesses.

Senator Warner, I would certainly like for your opening statement to include any of your observations, and then we will hear from our other members.

Senator Glenn, we look forward to your statement also.

Senator **Warner**. Thank you, Mr. Chairman.

I will be brief because we are anxious to proceed with the hearing.

I am grateful to my distinguished colleague, the Senator from Ohio, for the privilege of accompanying him to this area. We covered over 18,000 miles and five countries in 7 days, and experienced no temperatures below 100 degrees during that time.

Gentlemen, for 38 years, our Nation has had a commitment in this vital part of the world—vital to our security interests, our economic interests, and vital to this Nation and its role as a superpower—to serve as an example to others.

We have been there to establish freedom of navigation. We are there today hopefully to try to exert such influence as we have on bringing the war between Iraq and Iran to a conclusion.

We are also there to prevent a vacuum into which the Soviet Union is anxious to move.

We saw evidence and we heard direct testimony from the leaders of the governments of the Gulf States to the effect that they are friends of the United States of America, but if America and other traditional friends do not help, they have no recourse but to look to the Soviet Union.

The first example of that is Kuwait which, although coming to the United States seeking assistance for their tanker fleet, simultaneously sought assistance from the Soviet Union, which was quickly forthcoming. Indeed, the Soviet Union will soon be providing military escorts for several tankers under charter from the Kuwaiti Government.

Now our President is faced with a series of options. If there was one benefit that Senator Glenn and I had on this trip, it was the fact that we recognized the difficulty of any Commander in Chief of any nation looking at this most complex situation to determine in what priority those options should be accepted.

He has determined that he will go ahead with the flagging of the Kuwaiti vessels, starting with 11. He also intends to pursue with equal vigor a parallel effort in all fora of diplomatic channels, primarily the United Nations, to determine whether or not this war can be brought to a conclusion and this service that we are going to provide Kuwait can be terminated shortly.

Senator Glenn and I are also of the opinion that, as this plan goes through, additional military assets from the United States will be required. The Gulf States, while they would not respond specifically, nor was it our charter as Members of Congress to negotiate, nevertheless clearly gave us the impression that they would cooperate.

As you know the tradition in that part of the world, is that they like to do things privately. But this Senator is convinced that they will be forthcoming, recognizing that added U.S. military assets will require added use of facilities and some other forms of cooperation.

Those specifics you may possibly agree upon today.

But this is my great concern, and I speak only for myself on this. It is that we must recognize that the risks have increased. While the military assets of the aggressor states, and primarily Iran, have not changed dramatically here in the last 30 days, the intention to use those assets and the means by which they might use them could well have changed. That increases the risk.

We have observed from afar the land war, and tactics going back to medieval times and indeed tactics which we have not seen in modern warfare, including suicide tactics.

We have no basis upon which to judge whether those tactics will now be employed at sea. But it is incumbent upon us to use every deterrent capability that we have to protect our men.

We specifically asked the leaders of the Gulf States that if we undertake this task, and we encounter an aggressor in international waters, and it is necessary to follow up in hot pursuit as a means of deterrence and defense, and if indeed it is necessary to mount a substantial retaliatory military strike, either in international waters or on an aggressor's territory, would they join us. The answer was no.

It was no for several reasons.

One, although they all possess military forces—small elements of air, but nevertheless using first class airplanes and well trained pilots; many of the airplanes coming from the United States and many of the pilots having been trained by the United States—they feel committed to keep those assets within their own territories.

Two, they are concerned because, quite frankly, of the credibility of the United States, having been stretched in past years, from how the Iranians treated us when they took our embassy, to Desert One, and to the tragedies that we experienced as a Nation in Lebanon. Also they are concerned with what they observe here in Washington now as less than clear support for a President who has made a decision.

So, they are quite reluctant to say they would allow their forces to go one step beyond their territorial lines.

This means that our President has an affirmative duty to tell the American people that if our ships or those that we are escorting are attacked, if there is damage, if there is loss of life, if there is loss of American life, and it is the judgment of the military, supported by the chain of command, that we engage in hot pursuit of an aggressor, or indeed mount an attack upon an aggressor's territorial land, then we will have to do that alone. We will go it alone.

This means the risks of loss of life and injury will be ours—risks of having downed fliers becoming POWs and political objects. Those are our risks.

It is my hope that the President can persuade our allies and the GCC countries to participate. If only several planes were to accompany any strike that we might launch, it would be most helpful and highly symbolic.

To the extent we could assess the disposition of our allies, namely the French and the British, who have been operating in these waters for many years and are operating today, we would solicit their cooperation. Their mission is basically one to show the flag, to have presence, and they told us very explicitly that they would not engage or help others engaging in aggressive tactics in international waters unless it involved a ship of their flag; to other than ships of their flags, they could only offer humanitarian help, namely, to save sailors who had abandoned ship.

So it is a most complex, difficult situation. I am hopeful that you can provide the full measure of protection that will be needed for our service personnel.

Thank you.

Chairman NUNN. Thank you very much Senator Warner.

Senator Stennis.

Senator STENNIS. I believe I will pass for the time being, Mr. Chairman.

Thank you.

Chairman NUNN. Senator Thurmond.

Senator THURMOND. Mr. Chairman, I am very pleased that we can get the advice of people like you. You are military people and you know what can be done and what cannot be done to be successful.

We must be successful. We should take no step that is unnecessary. But we should take every step that is necessary.

We cannot be run out of the waters that are available to the entire world. We must stand where we have a right to be if we care to be there.

Your advice and your counsel will be of great help to us.

Thank you.

Chairman **Nunn**. Thank you, Senator Thurmond.

Senator Exon.

Senator **Exon**. I have no questions now, Mr. Chairman. I just want to welcome these distinguished leaders here this morning and thank them for coming.

Chairman **Nunn**. Senator Symms.

Senator **Symms**. Mr. Chairman, I would just join with my colleague from Nebraska and welcome the gentlemen who are here. I look forward to their testimony.

Chairman **Nunn**. Thank you.

Senator Levin, this is for opening statements and not for questions.

Senator **Levin**. Mr. Chairman, I have just a brief comment to make before listening to our witnesses. I also look forward to hearing from them.

I particularly look forward to the counsel of Senators Glenn and Warner because of their recent trip, which means so much to many of us in terms of the wisdom that they have accumulated.

It seems to me that our current Persian Gulf policy has been confused: from the President's statement that he does not see the danger of war—I think at a minimum that all of us see that possibility—to Secretary Weinberger's statement a week ago in Brussels that our policy is to protect all shipping, not limiting our protection to oil tankers.

Now Kuwait may be a nonbelligerent, but she is not a neutral. She has provided direct assistance to Iraq and her ships have been subject to regular Iranian attack.

International law provides a tradition that a neutral, which performs service for an enemy belligerent, is to be treated as an enemy. That is why Kuwaiti ships have been treated as enemy ships by Iran.

Whether we escort those Kuwaiti ships or initiate and coordinate the figleaf of their reflagging, Iran will almost surely treat our ships as Kuwaiti ships and attack them, as she has before.

Before taking the risk involved, it seems to me we should insist on two things. First we should insist on the Kuwaitis' and the Saudis' agreement to provide basing and overflight rights to U.S. land-based air power in significant numbers, since we are contemplating significant military risk for their benefit.

Second, we should insist on the French and the British providing support with ships, which both countries have, and bases, which the French have in Djibouti.

I also agree with the effort of the administration to go to the U.N. to seek an arms embargo on Iran and Iraq to try to force an end to that war. We should hold off any final decision as to what we are going to do, at least for a reasonable period, until we see the outcome of that effort at the U.N. and can analyze the way in which various countries at the U.N. participate in achieving its success.

Mr. Chairman, as I indicated, I very much look forward to our witnesses' expertise this morning.

Chairman **Nunn**. Thank you.

Senator Humphrey, do you have any opening statement?

Senator **Humphrey**. I look forward to their expertise, too, so I will pass on the statement.

Chairman **Nunn**. Senator Kennedy.

Senator **Kennedy**. Mr. Chairman, I have a statement, but I would be glad to yield to Senator Glenn, and then perhaps I could be recognized.

Chairman **Nunn**. Well, the main purpose of the opening statements this morning is to give Senators Warner and Glenn a chance to be heard since they have just come back.

Senator Glenn, Senator Kennedy has yielded to you.

Senator **Glenn**. Ted, just go ahead. I will take my turn when it comes around. But thanks very much.

Senator **Kennedy**. Well, then, I will speak briefly.

Chairman **Nunn**. Now, I don't want anyone to feel compelled to make an opening statement.

Senator **Kennedy**. Oh, I want to make one, Mr. Chairman.

[General laughter.]

Mr. Chairman, I join in welcoming the Chairman and the Joint Chiefs of Staff here this morning.

The attack on the *Stark* illustrates the high risk that the United States forces inevitably face whenever they are deployed in the troubled regions of the world.

The danger is great in the Persian Gulf, but our interests are also great. With over 70 percent of the Free world's oil reserves located in the gulf, the United States must maintain its presence in the region. What has upset Congress is the "here we go again" flavor of the current, deteriorating situation.

Once again, the administration has leaped before it looked on a sensitive issue in the Middle East, with reckless disregard of the consequences for our military forces and for our foreign policy in the region.

Perhaps Kuwaiti tankers deserve U.S. protection. Perhaps our allies should be doing more. Perhaps the military risks are commensurate with our national interests. But none of this is clear.

What is clear, what we learned at the Marine Corps barracks in Beirut, is that the bravery of our military services is no substitute for a flawed and faulty foreign policy and competent means to protect our forces.

The immediate question facing Congress is: If our forces are to sail in harm's way in the Persian Gulf, do they have the capability to defend themselves?

No one wants a repetition of the *Stark*. And no one wants another American ship to be a sitting duck, a floating Beirut barracks, in the gulf, waiting to be hit by terrorist attacks or other assaults.

The second question is why are we doing this at all?

The administration now offers two rationales for escorting Kuwaiti tankers—supporting individual and collective self-defense of the states in the Persian Gulf and protecting freedom of navigation in the gulf.

Protection of the friendly Gulf States is important. Because of its small size and its proximity to Iran, Kuwait is the most vulnerable of all these nations. For a year, Iran has been using a combination of attacks and Gulf shipping and terrorism to intimidate Kuwait. The administration may be right in finally moving to assist Kuwait. But it did so not because of any Middle East concern for Kuwait, but because of Cold War concern that the Soviet Union would step in.

The administration's rationale on freedom of navigation is much weaker. It is Iraq that initiated this phase of the war, and that conducts the preponderance of the assaults. The indiscriminate nature of these attacks and the danger of innocent parties was tragically demonstrated by the catastrophe of the *Stark*.

If we support freedom of navigation in the gulf, and we should, we must seek to end all attacks, not just those by Iran. Any protection that we offer to Kuwaiti ships should be linked to efforts to press Baghdad to end its own attacks against shipping in the gulf. Iraq began these attacks in an effort to break the stalemate in the ground war with Iran. But this strategy has failed. It has not curbed Iran's oil exports and it has spurred Iran to retaliate against Kuwait. Our interest is in ending the tanker war and the wider war, not entering it and escalating it.

In any effort we make, we should have the diplomatic and military support of our European and Japanese allies. The United States is much less reliant than they are on oil from the Persian Gulf, although closure of the gulf would have serious consequences for our own economy. We should not have to defend Free world oil alone. The bedrock of all successful alliances is shared risk.

Even in the best of times, our allies are often willing to see the United States go it alone. But these are hardly the best of times, and persuading our allies to come aboard for the crash landing that may lie ahead has been made needlessly more difficult by the administration's failure to include them in the takeoff.

The United States clearly has vital interests in the gulf, and we must be prepared to defend them. But first, Congress must be reassured that our actions are designed to put out the flames of the gulf war, not fan them higher.

Finally, as the administration heads for this confrontation in the gulf, it is hard to see why they are also bent on confrontation with Congress over the War Powers Act. In my view, the language of the act is clearly applicable to these circumstances. An administration already embarrassed and weakened by its devious manipulations on Nicaragua and Iran ought to be seeking ways to accommodate, not evade, the constitutional and statutory role of Congress. Unfortunately, after all it has been through, the Oliver North-Elliott Abrams mentality is still alive and well in the White House, to the lasting shame of our foreign policy.

Chairman Nunn. Senator Glenn.

Senator Glenn. Thank you, Mr. Chairman.

I could not have had a better traveling companion than Senator Warner. We both worked hard and long hours on this trip. It was enjoyable to have him along.

I also want to give credit to the staff. They did a tremendous job on this trip. Some of them are here today. I will not go through their names now, but they did do a great job.

We visited five of the six member nations which make up the Gulf Cooperation Council. The only nation we missed was Qatar, which plays a less active role within the Gulf Cooperation Council than the other members.

We undertook this trip at the request of the Senate Majority Leader, Senator Robert Byrd, who asked us to go out and make our assessment of the military situation to advise the Senate, and to assess the political alignments in the region. We did our best to accomplish that.

We did visit the USS *Stark,* but it was not our primary mission to make the kind of assessment as to who did what on the *Stark.* That is being done by other people.

But it was obvious to us, after our brief visit there and seeing what happened there, that "heroics" perhaps understates what happened on that ship.

To keep that ship afloat was quite some task, and ranks very high with combat duty of any war that we have fought in saving that ship.

As I said, we met with the various nations around the gulf. We also had a chance to look at some of the air and surface movements in the gulf from the radar scope both on a sister ship of the *Stark,* the USS *Grose.* We also had the opportunity to go out on a patrol craft in the Strait of Hormuz, where on the radar scopes we could actually see the ships lined up, in the anchorage, some 42 of them on the day we were out there waiting to be loaded on the Bandar Abbas side of the strait, on the Iranian side. This illustrates the numbers of ships that are still coming in there and still taking out cargo or oil from the Iranian side.

Why risk war involvement in the Persian Gulf? Are there vital U.S. interests and world interests there? What should our commitment be?

This must be a well thought out policy. There should be a policy that is worthy of bipartisan support and worthy of risking war to show the flag, particularly when we are risking American lives.

If that cause and policy are worthy, then it is not only showing the flag that is important, but maintaining the flag. There is a big difference between peacetime and sailing a "great white fleet" around the world to show the flag and maintaining the flag in an area where there is a combat potential. Preparation to do the latter is quite different than just showing the flag.

The Chairman mentioned a moment ago that "vital" is a term that has been overused in the past in stating our interest in different parts of the world. It has become a coin of reduced value.

But it was termed "vital" when we sent U.S. military forces into Iran during Desert One. It was said to be vital that our presence in Lebanon be maintained, and we dispatched 1,600 Marines on a near-impossible task, as Senator Kennedy mentioned. We returned 241 body bags to the United States, deciding that "vital" overstated the case, and we withdrew.

Again, it was of overriding importance, we were told, that the world should not traffic in arms with Iran, and now the United States stands shame-facedly before international opinion, having said one thing to the world while doing another secretly, and probably prolonging the Iran-Iraq war in the process.

Again, we are being told that control of the Persian Gulf is vital to our interests. Is it really?

Well, the natural tendency is to be skeptical and to say "here we go again." But I do believe that this situation in the Persian Gulf comes closer to fitting the term "vital" than any of the other examples that I mentioned earlier.

I will address this very, very briefly.

In historical terms, the use of new kinds of energy is what has developed the world as we know it today—from animal power, the burning of wood, then coal, and in our time, petroleum is, by far, the most important fuel. It sustains today's world—providing jobs, business, commerce, transportation, homes, standard of living, military capability, hopes for the future—and will continue to do so into the indefinite future, when some newer energy source may appear on the scene.

But in an average year, something approaching one-third of the world's petroleum comes from the Persian Gulf.

Now we may not like that. We may prefer something else, but that is the situation we face, together with our friends and allies.

Different nations get different percentages of this oil.

But how about the future? Does it look any better or worse?

Unfortunately, as of now, somewhere between 55 percent and 60 percent of the known oil reserves of the world are located around the Persian Gulf. Their new discoveries have increased more rapidly than anywhere else in the world, meaning their percentage of supply for the future may become even markedly higher.

While U.S. supplies are finite, and we could see a time in the future when Texas, Alaska, Mexico, and the North Sea may have run dry, but the gulf will undoubtedly still be pumping oil.

What is the danger? Today, oil prices are down, there is a glut of oil on the world market, the price of gas leans down at the pumps from what it was 3 years ago, and even the Iran-Iraq War in the gulf has not interrupted the flow.

The shocking fact to most people is that this war, for all the attention it has received, has not even begun to seriously interfere with the flow of oil out of the gulf. There has been less than a 1 percent reduction in the flow of oil, according to the experts.

As to ship damage, this is probably the most "unlethal" war in all of history, as far as actually sinking ships.

After losing approximately six ships very early in the war—not all of them tankers, but all of them fairly small ships—for the past 5½ years or so, not a single ship has been sunk in the Persian Gulf, despite all the damage that has been done. Some 350 attacks, I believe we were told, have occurred there.

Now, some lives have been lost. Some ninety-odd people have been killed in those attacks, and a lot of damage has been done, as Senator Warner mentioned. But the shipping goes on.

So why worry? The oil is getting out of the gulf.

But the Iranians are now putting Silkworm missiles in the gulf, or we think they are going to put them there, around the Straits area. They are not deployed yet.

Those missiles could be taken out by a coordinated attack. But the Gulf Cooperation Council nations fronting the gulf, which includes all those nations except Iran and Iraq, are no match for their giant Iranian neighbor, with its huge military machine.

All the GCC nations combined have a population I think of only about one-fourth that of Iran.

Someone calculated that just the number of babies born in Iran since the war started more than equals the total population of the GCC states.

This statistic shows the enormous difference in the populations and the capabilities of those countries.

One of the long-term dangers, then, as they see it, and as I see it, too, is an Iranian victory over Iraq. GCC members have no doubt whatsoever that an Iranian victory over Iraq would be followed in close order by Iran's efforts to continue down the western side of the gulf, absorbing the comparatively weak GCC members and taking over the 55 to 60 percent of the world's oil reserves.

An Ayatollah Khomeini-controlled one-third of the world's immediate oil supply, plus the reserve control of the future, is something we, in the Free world, cannot chance.

Second, there is the long-term threat of the Soviet Union. We sometimes tend to overplay the Russian card. We scream "the Russians are coming, the Russians are coming," or have that tossed out at us by one nation after another when they want something.

The Soviet Union has long sought access to warm water ports, and I am sure they would find it very doubly attractive if that warm water access could carry along with it a controlling grip on the Free world's energy lifeline.

I do not foresee a Soviet attack in that area. But I think the Soviets want to develop a long-term presence there so that they can influence events there.

Just imagine a Soviet Union in charge of one-third of the Free world's current oil flow and 60 percent of future reserves. Would they always act in the best interests of our future?

I am not willing to depend on that, and I would note the Soviets have been increasing their presence in the gulf recently.

Those are the very stark stakes in the gulf. It has baffled me as to why our leadership tries to soft pedal these concerns by addressing the issue "freedom of the seas" and acting as though this principle, of international law is the only, or at least the major, issue.

If there were two small island nations out in the Pacific at war, and it involved little or no U.S. or Free world economic interests, we would hardly be sailing our ships into harm's way between them just to uphold our right of free passage.

So I think it is far better to tell our people the truth: that a Persian Gulf in unfriendly hands affects their jobs; which could vanish if energy prices stayed too high, too long; it affects their pocketbooks, too. They should remember the Impact on their pocketbooks of increased prices with just a comparatively small cut in oil supply only a few years ago.

American and free interests would be dramatically affected by a victorious Iran and a more remote possibility, the triumph of Soviet interests is not something to leave to chance.

But our position in the gulf cannot be one of posturing, hoping that an American presence would ensure that Iran would not dare to strike. They did, however, call our bluff in Beirut, and we brought home 241 body bags out of there.

Iran may now welcome the opportunity to further embarrass the United States, as they did at the U.S. Embassy in Tehran, and with the subsequent debacles of Desert One and Beirut.

The point is that we must be there with more than token forces, hoping for the best; we must be there with strong forces, prepared for the worst, and prepared to use them if our mission is challenged by Iranian actions.

I think that the flagging proposal—which I will address very briefly—if it is necessary, it may be necessary at some time. I think it was a very poor policy to go off on, without considering all of the ramifications of what may happen under that flagging policy.

I would not want to see us go ahead with that proposal until we have exhausted the U.N. resolution route, which I understand can be addressed within a couple of weeks. I want to make certain that we get the best kind of Allied support in the gulf. Secretary Weinberger is in France now looking into some type of Saudi support.

I want to address what our allies can do and what kind of Japanese support there can be. We were told while we were in the gulf that if the British and the French agreed to be part of a force that we would head up over there, we could have that operable within a 24 hour period. There would be no difficulty at all.

We already have all the communications and so on and it would not be any problem to do that.

Is the administration package adequate, then? If we are to take this on, there must be a sufficient force to deter Iran, to defend our interests, and to retaliate if necessary.

We cannot bluff again.

Our reputation in that area is at a very low ebb.

Now, we have not yet had formal presentation of what the administration package will be, so that is still an unknown.

But if all of this goes through, and we do have to reflag as a last resort, and it would be a last resort to me, because some of the implications under this proposal are too dangerous such as what if other nations ask for U.S. flagging. How can we then refuse them? Face is of great importance in that part of the world. It means a great deal, and we could hardly turn down one nation's request for flagging when we have already done it for another.

So, there are many, many ramifications of our involvement here that I would have much preferred and which would have left us with a more flexible position had we not gone ahead with this reflagging which I think was ill-considered.

It may be necessary to go that route if we are to maintain our posture in the gulf.

That is a brief overview of my opinions, as we return from this trip. It was a very informative trip.

Thank you, Mr. Chairman.

Chairman **Nunn**. Thank you very much, Senator Glenn, for your informative statement.

Senator **Warner**. Mr. Chairman, I would like to associate myself with the remarks made by Senator Glenn with respect to the crew on the *Stark*, we very carefully did not get involved in any of the inquiry underway now by the Navy. But we did have an opportunity to visit with the Captain and a number of the officers and the men. Following the attack, the damage was fought in the finest of naval traditions. I am hopeful that the Chief of Naval Operations in due course gives recognition to those men for that heroic service.

Chairman NUNN. Thank you.

Senator Wilson, we are giving each Member the opportunity to make an opening statement this morning, if you choose to do so.

Senator WILSON. Mr. Chairman, I will waive that right in the interest of hearing from our distinguished panel.

Chairman NUNN. Thank you.

Senator Shelby.

Senator SHELBY. Thank you. I have no opening statement. I am looking forward to the panel's presentations.

Chairman NUNN. Thank you very much.

Admiral Crowe, we would be delighted to have your opening statement. I would say to all of the members of the Chiefs, we would be delighted to hear any of the views you may have here for the open session. Then we will go to another room for the closed session.

We normally do not have this long a period in terms of opening statements. But I think, particularly in light of Senator Warner's and Senator Glenn's visit to the area, it was important for us to hear their views. I hope it was helpful for you to hear their views.

Senator EXON. Mr. Chairman.

Chairman NUNN. Senator Exon.

Senator EXON. I waived my opening statement as I did not understand that we would not have questions. I will not ask a question now, but I would just say that this is a terribly important decision that you people are about to make.

I have listened with great interest to those remarks of Senator Warner, Senator Nunn and Senator Glenn.

I just hope that in your opening statement perhaps you can clarify what I think is on the minds of most Members of the U.S. Senate today and probably a sizable sector of our public opinion. This is what input you have had and what questions you have been asked by the administration with regard to the War Powers Act.

We know this is a very delicate decision that has to be made. The War Powers Act requires that the President report to the Congress when U.S. forces are introduced into situations in which hostilities are imminent, as clearly indicated by the circumstances.

It seems to me, from the expressions here this morning, that we are at that point. If you could possibly do so, I would like to know whether or not you have had inquiry from the President on this matter and, if so, what your reply was.

Thank you very much, Mr. Chairman.

Chairman NUNN. Thank you very much, Senator Exon.

If that is not covered to your satisfaction, of course, we will all be asking questions in the closed session.

Admiral Crowe.

STATEMENT OF ADM. WILLIAM J. CROWE, JR., USN, CHAIRMAN, JOINT CHIEFS OF STAFF, ACCOMPANIED BY ADM. CARLISLE TROST, THE CHIEF OF NAVAL OPERATIONS; GEN. LARRY WELCH, THE CHIEF OF STAFF OF THE AIR FORCE; GEN. T.R. MORGAN, THE ASSISTANT COMMANDANT OF THE MARINE CORPS; AND LT. GEN. ROBERT RISCASSI, THE DEPUTY CHIEF OF STAFF OF THE ARMY FOR OPERATIONS

Admiral Crowe. Thank you, Mr. Chairman.

I do have a brief oral statement.

I speak on behalf of my colleagues and myself when I say we welcome this opportunity and we also welcome your interest in recent events in the gulf and, in turn, the opportunity to discuss future actions in that region.

Senator Exon, my statement does not directly address your question, but I believe some of the background which I outline in my statement is relevant, when you consider the War Powers Act. Obviously, we will be happy to address it in the question period if you want to explore it.

One prefatory comment is in order.

The strategic, economic, and political interests which intersect in the gulf not only make it an area of great importance, but also pose very complex policy problems for all involved parties.

In dealing with this part of the world, I would submit that there are no simple or perfect answers. This is particularly true of the United States, which, as a superpower and a leader of the free world, must reconcile its Middle East policies with its wider global responsibilities.

Against this backdrop, I defy anyone to construct a simple policy for the region or one which will put us on the right side of every issue under all circumstances.

I believe that there is some consensus as to our fundamental goals in the gulf.

I hesitate to read this next sentence because of the discussion about the word "vital." But I believe that we have a vital stake—and I did consider using another word, such as "compelling," "significant," or "important," but I must admit, Senator Glenn, that I believe in this case "vital" is appropriate. We have a vital stake in seeing that the region's supply of oil to the free world remains unimpeded.

In turn, we have major political interests in the non-belligerent Gulf States, both in their own right and because of their influence within the gulf and beyond. Washington's relationship with this group of nations affects the economic health of the entire free world.

In a similar vein, we have a vested stake in peace and stability in this volatile region, as we do in other troubled areas.

Clearly, we have not succeeded in preventing hostilities, but we must persevere with our efforts to prevent the Iran-Iraq war from spreading and, hopefully, to bring that conflict to an early close.

Throughout, the strategic importance of the region and the foregoing interests compel us to attempt to deny the Soviet Union either direct control or increased influence over the gulf and its littoral.

Now, may I say a word about historical involvement. That has been mentioned several times this morning.

As you are aware, the great powers have been colliding with each other in the gulf region for centuries, so today's difficulties are not, in a historical sense, unprecedented.

Our own military involvement began when the Middle East Force was established in 1949 to demonstrate American interest. With the British departure in 1972, the Middle East Force, as the only remaining Western military presence, took on a new significance.

You are, of course, familiar with the increasing role oil has played in our lives and the traumatic supply disruptions of 1973–74 and also 1978–80, which were caused or precipitated by OPEC. To say the least, all of America suddenly became aware of the importance of the Persian Gulf.

Today, there are uncountable numbers of American commercial concerns operating in Saudi Arabia, the UAE, Qatar, Oman and Bahrain. We estimate there are some 34,000 American residents and dependents living in the region.

Militarily, we have assisted all of these countries to one degree or another in building defense establishments.

For instance, at this moment, there are 500 American airmen in Riyadh and Dhahran, assisting the Saudi Arabian Government to create an AWACS capability. All told, we have over 2,000 service personnel detailed to gulf countries.

The 1979 revolution in Iran and the Soviet invasion of Afghanistan merely reinforced an American sense that the Persian Gulf was too important to be ignored.

In response to these events, and with encouragement from our friends in the area, the U.S. Government decided to deploy a carrier battle group to the Indian Ocean at frequent intervals. We are still there.

With the beginning of the war between Iraq and Iran, the Middle East Force was expanded. At this moment, we have some eight ships assigned to that force.

While we have no formal treaty commitment with any nation in the area, we clearly have established long-term, important relationships with a number of countries that have worked to the benefit of all concerned.

Moreover, I am convinced that our military presence over the long-term, and recently, during the Iran-Iraq war, has had a moderating influence, worked for stability in the region, and helped limit the spread of conflict.

The road, of course, has not always been smooth. For example, events in Lebanon and Syria, referred to earlier today, congressional actions on proposed U.S. arms sales, and recent developments regarding Iran, have given some of our friends cause to doubt our consistency.

Many in the region take exception to our close ties with Israel. Nevertheless, anyone who has lived in the area as I have—I was the Commander of the Middle East Force from 1976 to 1977—is constantly impressed by how many Arab friends we have and how resilient our ties with the Arab world are.

This is not to say that we do not have to nourish those relationships. We do.

It is to say that we have a lot going for us if we are willing to stand by our friends.

Given the recent media attention devoted to the gulf, I believe a quick word about the maritime environment is appropriate. In general, these thoughts and impressions will support what Senator Glenn has said earlier.

Since 1984, both belligerents, Iran and Iraq, have mounted random or selective attacks on shipping at sea. But we must keep this picture in perspective.

Right now, on any given day, there are around 400 ocean going ships in the gulf. Of some 26,000 voyages that have been made in that small sea since 1984, less than 1 percent have been involved in attacks, and no large merchantmen have been sunk since 1981—damage and lost lives, yes, but not sunk.

Similarly, there are always underway a mix of warships—for example, from littoral navies, British frigates, French men-of-war, Soviet navy escorts, in addition to our own. It is also important to note that for some months now, the Middle East Force has been escorting U.S. flag ships sailing in the western gulf. This traffic runs somewhere around four to 10 ships a month, depending on the circumstances.

With the exception of the *Stark,* none of the non-belligerent naval units has been hit.

Commercial air traffic, with some slight route changes, has continued to all the littoral countries. As a matter of fact, the Persian Gulf is one of the busiest air spaces in the world.

The gulf today is an uncertain place and can be dangerous. But it is not a war zone in the accepted use of the words.

Air and sea traffic continues apace; there is even some seaborne and also some airborne intercourse between Iran and the UAE and Oman. Drilling rigs are operating normally, and Iranian oil exports are running at the rate of about 2.2 million barrels per day.

Commercial insurance rates, after a sharp initial increase, have receded and today, while higher than normal, are in no sense prohibitive.

The gulf is not a no-man's land. In fact, it is still a thriving and bustling commercial crossroads.

The recent attack on the *Stark* graphically illustrated, however, that the gulf can be dangerous on occasion.

Most important, the *Stark* tragedy has raised American sensitivities as to our involvement in the Middle East and prompted many to call for a reexamination of our presence, even in some cases, to suggest a withdrawal of our ships.

I am persuaded, however, that the Iraqi pilot did not realize he was hitting an American ship. In other words, the *Stark* incident was an accident.

In my view, the ship had the weapon systems and sensors to put up a credible defense, but why they were not brought into play is a proper subject for a formal investigation. As you know, such an investigation is now in train.

As to the larger questions, I believe it is important to keep in mind the everyday environment in the gulf and not to be stampeded by overly dramatic accounts.

The *Stark* incident has brought home in a painful way that we must remain constantly alert when we are in the area, and we are now working out with Baghdad some procedures hopefully to avoid a recurrence of an accidental attack.

The Iranians have the same capabilities they did a month ago, and the inhibiting pressures on their policies and their resources remain.

Since the *Stark* attack, we have not, as yet, seen any change in Iranian conduct at sea. As a matter of fact, we have seen some withdrawal at sea.

They appear to be even more cautious than previously. While this situation could change quickly, and I would be the first to acknowledge that, I would suggest that we base our judgments and actions on tangible evidence, rather than conjecture.

As to the suggestion that the United States should withdraw from the gulf, I not only believe that it would be a grave mistake to do so, but that first we should address the question of what would happen should we leave. How would our retreat affect the course of the Iran-Iraq struggle?

There is a high probability that our absence would lead to Iran realizing its goal of regional dominance. While that conclusion may be debatable, there is little doubt in my mind that a U.S. departure would thrust our Arab relations into deep and perhaps irreparable disarray.

Looking ahead, the administration, after reviewing the history and political imperatives in the region, has made a decision to respond positively to the Kuwaiti request to reflag 11 of its tankers and to accept responsibility for escorting those ships through the gulf.

The JCS believe that we can carry out this mission.

Of course, there are no absolute guarantees that such an operation will be casualty-free or that Iran will not escalate the sea war, which will present us with further difficult choices.

On the other hand, we have the capability to keep the oil line to Kuwait open, to assure our Arab friends of our commitment, and to keep the risks low.

I am confident you are interested in some of our detailed views on the threat and our ability to carry out this mission, as well as how we would deal with Iranian counter actions. However, Mr. Chairman, I believe these are more properly subjects for a closed hearing.

That completes my statement, Mr. Chairman.

Chairman NUNN. Thank you very much, Admiral Crowe.

As most of our audience probably knows, and I am sure all the committee members know very well, last year we had a reorganization bill and we did some shuffling of various provisions, key provisions, relating to the Joint Chiefs and so forth. One of the provisions in that was to make it abundantly clear that we want the Chiefs, each, individually, in addition to the Chairman, to be heard on any views they may have.

And so, we have a number of either the Chiefs or their designated representatives here today from the Air Force and the Marine Corps, as well as the Navy and Army.

Gentlemen, we welcome each of you here, and we welcome any views you may have.

I would start with General Welch and then proceed from that direction.

General Welch.

General Welch. Sir, the Chairman's opening statement adequately reflects my views. I have nothing to add.

Chairman Nunn. Admiral Trost.

Admiral Trost. Nothing to add, sir. I look forward to responding to your questions.

Chairman Nunn. General RisCassi.

General RisCassi. I have no opening statement. But I look forward to your questions.

Chairman Nunn. General Morgan.

General Morgan. I have no opening statement, Senator.

Chairman Nunn. You all understand you have the right, the duty and responsibility under the law to offer your views in opposition to the Chairman's views at any time before this committee. You do understand that, now.

We had a big debate on that last year, and I want to make sure everybody understands it.

Admiral Trost. I think the Chairman could assure you that we do not sit passively in any council.

General Morgan. I would certainly reinforce that statement.

[General laughter.]

Chairman Nunn. Well, at this stage we thank you for your opening statements.

We will now adjourn the open part of the session and go to the Armed Services Committee hearing room for the closed session.

[Whereupon, at 10:32 a.m., the committee recessed, to reconvene in closed session.]

U.S. MILITARY FORCES TO PROTECT "REFLAGGED" KUWAITI OIL TANKERS

THURSDAY, JUNE 11, 1987

U.S. SENATE,
ARMED SERVICES COMMITTEE,
Washington, DC.

The committee met in open session, pursuant to notice, at 2:02 p.m., in room SR-222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Exon, Levin, Kennedy, Dixon, Glenn, Shelby, Warner, Humphrey, Quayle, Wilson, Gramm, Symms, and McCain.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; Andrew S. Effron, counsel; and Christine C. Dauth, chief clerk; Robert E. Bayer, Robert G. Bell, Jonathan L. Etherton, Richard D. Finn, Jr., Judith A. Freedman, William E. Hoehn, Jr., Ronald P. Kelly, James R. Locher III, T. Kirk McConnell, Norman G. Mosher, Gordon G. Riggle, and Mark B. Robinson, professional staff members; Colleen M. Getz, research assistant; Lucia M. Chavez, staff assistant.

Also present: Jeffrey B. Subko, assistant to Senator Exon; Gregory J. Weaver, assistant to Senator Levin; Gregory B. Craig, assistant to Senator Kennedy; William J. Lynn, assistant to Senator Kennedy; Edward M. McGaffigan, Jr., assistant to Senator Bingaman; Charles C. Smith, assistant to Senator Dixon; Milton D. Beach, and Patricia J. Buckheit, assistants to Senator Glenn; Terence Lynch, assistant to Senator Shelby; William J. Wight, assistant to Senator Warner; Christopher Mellon, assistant to Senator Cohen; Henry F. Sokolski, assistant to Senator Quayle; Mark J. Albrecht, assistant to Senator Wilson; Alan Ptak, assistant to Senator Gramm; Samuel J. Routson, assistant to Senator Symms; Lorne Craner, and Patrick A. Putignano, assistants to Senator McCain.

OPENING STATEMENT OF SENATOR SAM NUNN, CHAIRMAN

Chairman NUNN. The Armed Services Committee will come to order.

This afternoon the committee's hearing will focus on the Reagan administration's policy in the Persian Gulf, particularly its plan to protect 11 reflagged Kuwaiti tankers with U.S. military forces.

Today's witnesses have been asked to also address House Resolution 2533, which is a resolution passed by the House and referred to the committee which would require a report by the Secretary of Defense on the administration's plan.

On behalf of the committee, I extend a warm welcome to our two witnesses, Hon. Michael Armacost, Under Secretary of State for Political Affairs; and Hon. Richard Armitage, Assistant Secretary of Defense for International Security Affairs.

We look forward to hearing your testimony. I do not have any opening statement this afternoon, but I do want to point out some questions that are on the minds of a lot of us here on the committee, and I think in the Senate and the House.

The administration's proposal does raise a number of serious questions that we have an obligation to address:

Do we have an overall United States policy in the Persian Gulf region? And if so, what is that policy and how does the protection of Kuwaiti tankers fit into the overall policy?

What options, other than protecting Kuwaiti tankers were considered? What were our options before we made this decision? Do those options make sense? It they do not, what other options are possible, if any?

Will the United States' ships protection role expand in the Persian Gulf? Will Kuwait ask for protection of its other 11 ships, or for the 38 ships it now has under charter? And what will our response be on that? Have we anticipated that? Will the other Gulf States like Qatar, the United Arab Emirates, and Saudi Arabia, as well as Bahrain, or any of those, have a similar request pending? Do you anticipate any requests from any of those other states for similar United States protection?

What are our real policy objectives in committing to the protection of these tankers? Is it to ensure the freedom of navigation for all nonbelligerant shipping in the Persian Gulf? Or is it for only these 11 tankers? Do we expect an expanded mission, in other words?

Is our primary purpose to protect the free flow of oil from the Persian Gulf? If the answer to that question is affirmative, what do we do about attacks that are not attacks that we might anticipate? For instance, I understand the so-called tanker war started in 1984 in March, and the first attack was an attack by the Iraqis on a Greek vessel.

Greece is a member of the NATO alliance. Suppose the Iraqis attack a vessel of one of our friends and a U.S. warship is in the area? Are we going to respond in that situation? Are we really protecting all? Or are we tilting in the war?

Is there any relationship between our agreeing to flag these vessels and the aftermath or repercussions from the Iranian arms sales? Have we really lurched from one policy to another in response to the moderate Persian Gulf countries in their overall surprise and distaste for the Iranian arms sale?

Is our policy really a signal to the security and stability of the Gulf Cooperation Council from states in protecting them from Iranian adventurism? What will we do if attacks take place on the ground against any of our friends in that area?

All these questions are relevant.

On the other side of the coin, there are other serious questions:

What will the consequences be of the U.S. influence in the Persian Gulf region, and indeed in the Middle East, if the President's commitment which has now been made public to protect those Kuwaiti vessels is not honored? What are the consequences of turning down the President's request?

How might the Soviet Union employ the U.S. decision to abandon this commitment? What do we anticipate in terms of the Soviets' role in the region, whether we perform this mission or not?

And of course the whole question about our allies. What do we really want our allies to do? There has been a lot of talk about getting our allies involved. The British already have ships there. The French have ships there. Have we requested them to do anything specifically? Have we asked them to join us in protecting these Kuwaiti vessels? Do we have an understanding about what ships they will protect?

Finally, what do we expect the Gulf States to do? Are you going to ask them for contingency air and landing rights? These are all questions that I think are very pertinent, and we will be getting into. I hope to have as much as possible of this hearing open today. I think it is important for the public to understand the commitment and the nature of those commitments.

I know that classified subjects may come up, and I will ask our witnesses, if you believe that we are touching on something that is classified, that you alert me and we will defer that question until a closed session. We may or may not be able to have a closed session today, so I would like to have as much answered in the open session as we possibly can. I thank you for being here.

I thank my colleagues for being here.

Senator Warner, do you have an opening statement or remarks?

Senator WARNER. Mr. Chairman, I will be very brief, because I am quite anxious to hear this testimony.

I would like to ask, however, that you address just a fundamental question that concerns me deeply in the course of your testimony. As we go back through the 200-plus year history of our Nation, each time we have asked the young people to go beyond our shores to fight, it has been in defense of liberty. It has been in defense of the cause of freedom.

I am having some difficulty determining our policy, particularly if this Nation has to go it alone in those scenarios in international waters, if we were to go in hot pursuit of an aggressor. I am having difficulty determining if we are making a major departure from the basic reasons that we have put our people at risk before.

In other words, in short, if we have to engage in a combat situation by means of defense or deterrence, are we doing that in the cause of freedom as we have done traditionally in the history of this country? Or is it primarily an economic motivation, and that motivation being primarily oil?

Chairman NUNN. Thank you, Senator Warner.

Does any other Senator have any opening remarks they would like to make this afternoon?

Senator Kennedy.

Senator KENNEDY. Mr. Chairman, I think the Chair has outlined a good agenda, which I hope would be addressed. I wish this meeting could have taken place in March prior to the time of the commitment, rather than after the fact. I understand that the Foreign Relations Committee was notified but, to my knowledge, this committee was not.

I think it would have been very, very helpful if we had been able to have that kind of review.

Just one additional point that I would hope they address. That is: How are we using our influence not to see an escalation of the conflict, but a reduction of the potential conflict? I do not think that the American people are prepared to see an administration with an itchy trigger finger loose in the Persian Gulf. I certainly am not. And I want to hear what steps are being taken to deescalate the danger of potential conflict. I would hope that we can address that, as well.

Senator GLENN. Sam.

Chairman NUNN. Senator Glenn.

Senator GLENN. Very briefly, I think in addressing what Senator Warner was talking about, we normally send people out in the defense of liberty, that is true; but I would indicate that economic interests are also part of that pursuit of liberty, and always have been. Some of the wars we have been engaged in have been prompted by economic interests.

If there is an area of the world that I think is a vital area, it is the Persian Gulf, or the Arabian Gulf as the Arabs like to call it on the GCC side. Somewhere between a fourth and a third of the world's daily output of oil comes from there, and 60 percent of the reserves into the future.

Now I hope we are not involved in just saying this is another vital area, which I believe it to be, and then cutting and running if something happens out there that we do not like, as we did in Beirut. The term "vital interest" has been debased because we have overused it.

We tend to tell the American people everything is vital, when we do not really mean it. But this is one area of the world where if it came under Iran's control or under Soviet domination, we would certainly think it was vital pretty soon because they would be controlling basically a good part of the world's energy supply, and we run on that kind of energy. Unfortunately, it is not coal power or wood power that counts anymore, it is petroleum power, and that is the importance of this area.

So whatever we do has to be a long-term commitment. I think there could have been other options to reflagging. I do not particularly like that approach. I think the questions the Chairman asked are very good questions as to what the options were, and what do we do if others now request the same kind of treatment. It puts us in a bind now to say to other people over there, particularly in that part of the world where we are faced between one rule and another means so much, to turn one down after you have accepted something I would have much preferred to see us keep our flexibility early on and not commit ourselves to that kind of thing.

I think right now we have to go with other things—the U.N. operations, something like that. We can hold up flagging for awhile. I do not think we really need to go through with that while we see whether some of these other options work, and I hope you are going to address some of those options that we have to flagging.

Chairman Nunn. Thank you, Senator Glenn.

Senator Gramm.

Senator Gramm. Well, Mr. Chairman, to a great seafaring nation like the United States, freedom of the seas is very important. In fact, it is a basic freedom that has political and economic overtones, and I think it is vital to America's interests and to our success in terms of promoting political freedom around the world and economic prosperity here at home and abroad.

What I would like to hear is, No. 1, what is our game plan to preserve freedom of the seas?

No. 2, what are we doing to assure that if there is any more shooting that we are on the right end of the gun—that is, behind it instead of in front of it? I think that is what the American people want to know. Not, are we suddenly going to break and run and not preserve freedom of the seas, when we are the world's greatest trading nation. I do not see that as a viable option, and I do not think that is worthy of our Nation or this committee.

I think what is relevant here is: What is our game plan to achieve our objectives? No. 2, how can we be certain that if there is a conflict, if there is danger, that our people are protected; and those that would try to put them into danger, themselves come into danger.

Chairman Nunn. Thank you, Senator Gramm. Senator McCain.

Senator McCain. Thank you, Mr. Chairman.

I would certainly like to echo the views of my distinguished colleague from Texas, and you, Mr. Chairman. I share, with Senator Glenn and Senator Warner, the belief that we do have a commitment to the freedom of the seas, but I hope that this hearing will clear up some I think very important questions that have been raised in the minds of the American people.

One of them is the role of our allies in this entire scenario. I was pleased to see that the allies have made clear that they have a certain presence in the gulf, but when we are talking about the amount of interest in the vital national security interests that our allies have, I think we have some real questions about their commitment, both in the physical as well as in moral terms.

I also think, although none of us here, including myself, are experts on the art of warfare and we have to rely on our uniformed military to provide us with the information, we still have to know with some assurance that tactically we can carry out this exercise of escorting Kuwaiti ships under U.S. flags.

It is also not clear to many Americans and to this Member exactly what the role is we would like the Soviet Union to play in the gulf. It is obvious that they are there, and it is obvious that no flagging of Kuwaiti ships will change that. The Soviets now have some kind of presence. Is there a mutuality of interest between ourselves and the Soviet Union as far as prevention of an Iranian victory in the gulf, or a stalemate, or whatever other outcome we want to see there?

And finally, what does this do? What does this action do as far as the United States' position in the war, which up until now has been on at least of stated neutrality. I hope that those questions will be addressed, because I believe that they are some of the major questions that could, over time, lead us into a situation where the

United States is embarked on a military enterprise which does not have the support of the American people—which is the worst of all possible results from this action.

I would like finally to add that I have the highest respect for the witnesses here today, and I think that their presence will provide us hopefully with the answers to those questions I have raised.

Thank you, Mr. Chairman.

Chairman NUNN. The Senator from Nebraska, and the Senator from Alabama.

Senator EXON. Gentleman, I was not going to go with an opening statement, but have reconsidered and I am now going to pose two concerns of mine which I think, if they are not the concerns of the American public today, will be sooner or later.

No. 1, what are we expecting other nations to provide that they are not now providing to keep that waterway open? That is No. 1.

No. 2, who have we asked for what in the way of help? And if we have asked, have we been turned down?

I listened to the President this morning, and he clearly evaded that question when he was quizzed in his news conference. Those are two of the key questions that I have, and I hope that maybe you can answer those, and maybe you intend to in your statements that I hope you can get on with shortly.

Chairman NUNN. The Senator from Alabama.

Senator SHELBY. Mr. Chairman, I would be interested in hearing testimony, if any, on what we can do to reach a settlement in here. We have been talking about what we can do as far as military options, but sooner or later we are going to have to—even if we use those military options, find a way to solve the conflict.

I would be interested in what is going on historically there in the gulf as to trying to bring the parties together. I know it is very difficult, as it is any time you have armed conflict, but what we are really interested in is settling that conflict.

How can we do it? What are the Gulf States doing in that regard? I know they have chosen sides, and we are choosing sides now by flagging. If we use several military options under whatever guise to keep the sea lanes open through this; we have chosen sides. What next, then? Like Senator Kennedy mentioned, what can we do to reduce the conflict or to settle the conflict? And do we have any clout left over there in so far as bringing about a settlement of this war between the Iraqis and the Iranians. I would be interested in anything you might want to talk about in that area.

Chairman NUNN. Senator Levin.

Senator LEVIN. Mr. Chairman, one of the great fears that I have is that we are going to be dragged into a conflict between Iran and Iraq. Kuwait may not be a belligerant, but she is hardly a neutral. She is clearly allied with Iraq, and I hope that our witnesses will talk about the implications of that when we go about protecting Kuwaiti shipping. Again, not a belligerant, but not under international law a neutral given her supply and her support for one side in that war.

I also hope our witnesses will address the question not only of our allies as has been posed, allies who in the case of Japan get 10 times more of their oil than we do of ours. Sixty percent of her oil comes from the gulf; we only get 6 percent of our oil from the gulf.

And our British and French allies, who rely significantly more on Persian Gulf oil than we do. I hope you will also address the question of the Kuwaitis themselves and the Saudis.

Have we requested them to provide us, for instance, with some temporary land-based support so that we can base our fighter aircraft there in order to provide cover for our fleet? Have we asked the Kuwaitis that? What has their response been? It is the least they can do, I would think, if we are going to protect their shipping, to be providing us those base support rights.

Thank you, Mr. Chairman.

Chairman NUNN. Mr. Armacost, would you like to lead off?

STATEMENT OF HON. MICHAEL H. ARMACOST, UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

Mr. ARMACOST. Thank you, Mr. Chairman. It is a great pleasure to be here this afternoon, and to continue the consultations on these very important issues.

You raised a lot of provocative questions. I hope I will deal with them in the prepared testimony. I think most of them are touched on, and I hope that perhaps we can dispel some of the confusion and uncertainty that has swirled around the issue in recent weeks.

Let me start with our interests in the gulf. I think they are fairly clear.

One is certainly the unimpeded flow of oil through the Strait of Hormuz. That is a vital interest. It is critical to our economic health. It is critical to the Western World.

Another important interest is the freedom of navigation in and through the gulf in keeping with the worldwide policy of keeping sealanes open. The security, the stability, the cooperation of moderate states of the gulf area are important to our political and economic goals. We have a major interest in standing by our friends in the gulf because of their intrinsic importance, and because of their influence in the gulf and beyond.

At present, that means helping them deal with the threat from Khomeini's Iran. We also have an interest in limiting the Soviet Union's influence and presence in the gulf, an area of great strategic interest to them because of our dependence upon it.

What is the challenge to our interest in the gulf? I think we all follow the war fairly closely. On the ground there have not been notable dramatic changes in recent months. The ground war grinds on. The Iranians have made incremental gains.

What I think has concerned most Americans is the war in the gulf. There, the tanker war which began with Iraqi attacks in 1984 has escalated and has expanded somewhat during the past 18 months. I suppose the new characteristic features of that conflict are particularly threefold.

One is the number of attacks on vessels have substantially increased. That increase was most notable during 1986. The trend so far in 1987 has been roughly parallel to last year.

Second, last September Iran began singling out Kuwaiti flag vessels and vessels bound to or from Kuwait for attack in an attempt to intimidate its neighbors to change policies they opposed, and to weaken support for Iraq. Iranian-inspired groups have also carried out a number of attacks against Kuwait with the expression of it being that of terrorism or sabotage. Some of these attacks have been directed against U.S. installations. We all recall the Embassy attack in 1983.

Finally, Iran has acquired and tested Chinese-origin Silkworm antiship missiles. That also inevitably raises the risk to shipping in the gulf.

These developments are significant. They are worrisome. But I think they should be viewed in perspective. The percentage of ships attacked in the gulf remains very small—less than 1 percent of all those transiting the gulf. The companies who serve those ships are not encountering problems in finding ships and crews to sail the gulf.

Insurance rates have not dramatically increased. New U.S. actions designed to affirm our interests in the gulf, to limit Soviet opportunities and Soviet access to that strategically important region, I think incur somewhat greater risk, but these risks in our judgment are manageable and we should not exaggerate them.

How are our interests affected by these developments? What do we propose to do about them?

For one thing, continued expansion of the war does increase the threat of Iranian hegemony over the Gulf Arabs. We have friends in the Persian Gulf whose stability and security are directly threatened not only by the war between Iran and Iraq, but by the radicalism which is a part of the Iranian revolution.

Iran has challenged the legitimacy of these states and has worked against them with direct pressure and terrorism as well as attempts at internal destabilization. Kuwait is a friendly country that has asked our help. We have responded in a measured fashion.

Second, continued expansion of the war does pose dangers to the freedom of navigation and the free flow of oil. In its efforts to intimidate Kuwait, Iran has concentrated its shipping attacks on oil tankers serving Kuwaiti ports. Should that intimidation succeed, or be perceived as about to succeed by the international community, the effect on the oil market could be substantial. This would obviously have an effect on U.S. and Western economic interests, and that effect would be adverse. Thus, we have political and economic reasons for responding to Kuwait's appeal for help.

Late last year Kuwait approached both the Soviet Union and the United States, as well as others ultimately, to explore ways to protect Kuwait-associated shipping. They actually approached the Soviets first.

The Russians made clear their willingness to provide a prompt and a forthcoming response. Kuwait expressed its preference to cooperate with the United States for most of the job they sought to see done. Its request to place ships under the American flag was certainly an unusual step. The circumstances of the situation were also unusual.

Unlike a commercial charter arrangement, these vessels become American ships subject to American laws. We agreed to provide protection for such reflagged vessels to ensure the maintenance of a pre-eminent Western role in any additional protection supplied in the gulf.

Protection will be extended under this arrangement to 11 reflagged Kuwaiti tankers. After they register under U.S. law, protection accorded them would be no different from that provided to any other U.S. vessel. We are not entering into an open-ended unilateral protection regime of all neutral shipping, nor do we intend to do so.

I might say in response to one of the questions, that the reason I think the number was 11 was that, of the tankers that Kuwait has, 2 are already flagged to the British; the other tankers in their fleet—I think it totals 22—were occupied in transporting material outside the gulf and therefore the issue of protection in the gulf did not arise.

What added risks do we incur by reflagging these vessels? We cannot project, obviously, with an absolute certainty what the Iranian response will be. Iran's rhetoric is full of menace, but Tehran's conduct has generally been marked by great prudence in the gulf.

Iran has not attacked any U.S. naval vessel. It has consistently avoided carrying out attacks on commercial ships when U.S. naval vessels have been in the vicinity. In its recent actions, it has displayed no interest in provoking incidents at sea with the United States. Of course it would be foolhardy for them to attack an American flag vessel. They, I am sure, respect our enormous military power. Those ships would have American masters—that is, the reflagged vessels. They will carry no contraband. They pose no danger to Iran. They will be defended if attacked.

The deployment of Silkworm missiles raises the threat to shipping in the Strait of Hormuz. In the interest of preventing a confrontation, we have ensured privately, as well as publicly, that Iran understands our concern about the threat posed by such missiles. We emphatically want to avoid a confrontation; we will not provoke one. But we are determined to pursue a prudent policy that protects our own interests and those of our friends.

Third, continued expansion of the war creates opportunities for an increase in Soviet influence in the region. We have already seen evidence that the Soviets are eager to exploit the opportunity created by the Iran-Iraq war to assert themselves into the gulf, a region in which their presence has traditionally been very limited.

The strategic importance of this region, which is essential to the economic health of the Western World and Japan is as clear to them as it is to us. Most governments in the gulf regard the U.S.S.R. and its policies with great suspicion. They have traditionally denied it any significant role in the region.

However, the continuation or the escalation of the war has created opportunities for the Soviets to play on the anxieties of the Gulf Cooperation Council countries, and to press for increased diplomatic, commercial, and military relations.

They were prepared to take on larger responsibilities for protecting Kuwait's oil trade, and we must assume that if we were to withdraw they would readily step into our place.

How are we proposing to meet this challenge? We are embarked on what we would regard as a two-track approach: expanding peace efforts internationally, while maintaining a firm and prudent security effort to protect our interests in the gulf.

We are consulting with our Western allies, with the GCC countries, and with other concerned states to seek their cooperation and assistance in this broad review—that is, on both tracks.

With respect to peace initiatives, the most effective means we think of reducing the dangers to Western interests in the gulf is to encourage a prompt end to the Iran-Iraq war with the territorial integrity of both nations intact.

Since last January we have spurred diplomatic efforts in the United Nations Security Council, and we think those efforts have taken on some real momentum. We have been exploring a new approach to halt the conflict. I might say, parenthetically, that the history of resolutions in the U.N. has been directed toward finding ground on which Iran and Iraq could stand together and, insofar as the antagonism between the countries is so great, the resolutions which embody the agreement among those two parties are simply the recipe for irrelevance.

So in the closed-door meetings this year between the Big Five Permanent Members of the Security Council, we have pressed for a Security Council resolution that reflects the interests of the international community. That is to say, it anticipates mandatory enforcement measures against either belligerant which proves unwilling to abide by a U.N. call for a ceasefire, negotiations, and withdrawal to internationally recognized borders.

We perceive a shared concern among all of the Five Permanent Members that this war has gone on too long; its continuation is destabilizing and dangerous. There also appears a growing consensus that more assertive and binding international efforts are needed to persuade the parties to end the conflict.

This is in many ways a unique effort among the major powers. While success is far from certain, the current U.N. initiative represents a serious and we think significant effort to find a negotiated end to the war.

At the same time, we are actively working to persuade Iran's leaders of the futility of their pursuit of the war by limiting their ability to buy weapons. This effort—"Operation Staunch" as we have called it is aimed specifically at Iran because Iran, unlike Iraq, has rejected all calls for negotiations.

"Operations Staunch" entails vigorous diplomatic efforts—through intelligence sharing and diplomatic demarches—to block or complicate Iranian arms resupply efforts on a worldwide basis. We all know that effort was complicated by our own sale of arms to Iran. Nonetheless, we have made a serious effort to get back in business in recent months. This kind of thing does not yield swift or dramatic results, but we are committed to the effort and we think we are achieving some success.

This week President Reagan met in Venice with leaders of the Western Nations and Japan. Prior to that meeting, we directly approached the Summit participants at a high level and urged greater individual and collective efforts to seek peace and to ensure protection of our common interests in the gulf. That situation was a major topic of discussion at the Venice meeting. The Seven Heads of Government agreed to a positive, substantive statement which urged new and concerted international action to end the war, endorsed, strong U.N. Security Council action, and they declared that oil flow and other traffic must continue unimpeded through the strait. We regard that as a demonstration of allied support.

As for the Kuwaiti reflagging, I think that has been discussed before the committee, and we will try to respond in detail to your questions. Our response to the Kuwaiti need to protect its shipping stems from our longstanding commitment to the security and stability of friendly regional states, and to limit Soviet access in the gulf.

As for burdensharing, we have steadily pursued our responsibilities in this region for a generation, and we should not abandon those responsibilities now. We should not, and we will not I trust, carry those burdens and risks alone. There is a broad consensus in Western European countries and in Japan regarding the importance of the gulf.

We are working intensively with our allies and with our friends in the gulf to determine whether and what additional assistance would be appropriate. Allied efforts can take many and varied forms: diplomatic initiatives designed to bring about an end to the hostilities—on this matter, virtually all those who were in Venice have a large role to play. Of course the French are permanent members of the Security Council; as it happens, the Germans, the Italians, and the Japanese are members of the Security Council this session as nonpermanent members; agreements to monitor and restrict the flow of Iran as the recalcitrant party—that is and effort to which all can contribute; financial contributions to regional states and a future international reconstruction fund to help alleviate the economic consequences of the war in the event a negotiated settlement proves possible, which is another area for their contribution; and cooperation of naval units present in or near the gulf.

Much is already being done. The British and the French, as you mentioned Mr. Chairman, have warships in the area to encourage freedom of navigation and to assist ships flying their own flags. Two of Kuwait's tankers already sail under British flag. Other maritime countries are considering what they would do if the violence in the gulf expands.

The GCC States recognize their own responsibility for protecting shipping in their territorial waters. They provide considerable assistance to our naval forces in the gulf. We may well need further support from the GCC States. While the specifics of such requirements remain under study, we will actively and forthrightly seek such facilitation of our efforts, which have to be based on cooperation if they are to be successful.

In sum, then, the U.S. naval presence in the gulf over the past 40 years symbolizes the continuity and importance of our interests. Our protection of a number of Kuwaiti reflagged tankers is a limited expansion of our role in protecting U.S. vessels. Our intent is to deter. It is not to provoke. However, there should be no doubt about our firmness of purpose to effect the steps necessary to defend our interests wherever appropriate, and we will work closely with our allies and friends in the gulf.

That completes my statement, Mr. Chairman, and Mr. Armitage and I will be glad to take a crack at your questions.

Chairman NUNN. Thank you, Mr. Armacost.

Secretary Armitage.

STATEMENT OF HON. RICHARD ARMITAGE, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS, ACCOMPANIED BY REAR ADM. ROBERT AILES, OFFICE OF THE CHIEF OF NAVAL OPERATIONS

Mr. **Armitage**. I will dispense with my prepared remarks, Mr. Chairman. You have asked perceptive questions, and we ought to get on with it.

I would be remiss, however, if I did not on behalf of the Department and the administration thank both Senators Warner and Glenn for their trip to the region, their comments and assistance upon their return, and their advice. It was helpful to us, and we thank you for it.

If I may, sir, address something that Senator Kennedy raised concerning consultations, it is our feeling, Senator, that beginning in January, particularly January 23, the President made his first statement about the situation in the gulf. Continuing in February, the President made his second statement. And through the efforts of the administration to get up and consult on this issue, that we have made a concerted effort. And we do have records which show that we had presented secret, sensitive talking points on the situation to Members of both the House and the Senate Armed Services and Foreign Relations Committees, as well as we had offered briefings to the leadership all throughout March.

The fact of the matter is, it took the terribly unbelievable tragedy of the *Stark* to get everyone's attention on this matter.

Implicit in your remark, sir, was I guess the suggestion that the administration would shy away from consultations because we fear criticism. Senator, this is not so. I think we will subscribe to Winston Churchill's statement regarding criticism one time when he had lost his way and he switched from the Tory Party to the Liberal Party early in his career, and he was subjected to an enormous amount of criticism.

He remarked that criticism was never agreeable, but it was oftentimes very necessary, and it performed a function not unlike a pain in the body. That is, it signals the possibility of ill health or impending ill health, and consequently it may not be agreeable but is necessary.

We agree with that, and we look forward to these consultations and criticisms or helpful comments that come out of it, because they all sharpen the focus.

Senator **Kennedy**. Well, I will make—rather than taking the time of the committee—I will include in the record the chronology starting about when the requests were made, when the decisions were made, when they did have briefings with the Senate Foreign Relations Committee, the House Foreign Relations Committee, and I think we can leave it up to the record about how much notification was given to the Senate Armed Services Committee for it, and I think any fair reading of that chronology would show a complete lack of any kind of consultation. I will leave it in the record. I will not get into it——

Chairman **Nunn**. Senator Kennedy, why do we not reserve the rest of that until your time comes.

Mr. Armitage, have you finished?

Mr. **Armitage**. You have got some very good questions, and we want to try to answer them, sir.

Chairman **Nunn**. Well, let us start the clock——

Mr. **Armitage**. If I may, excuse me, sir, I am joined by Rear Adm. Bob Ailes of the Office of the Chief of Naval Operations, and he is a combat systems expert and can answer any of the questions concerning combat systems which Mike and I are not competent on.

Chairman **Nunn**. Fine. We will ask the clerk to keep up with the time under our ususal rules, and notify the Senators when their time has expired.

Secretary Armacost, you mentioned according to the notes that I jotted down that our purposes in the recent mission and also the Persian Gulf in general is to protect the flow of oils, protect the freedom of navigation, you mentioned standing by our friends as far as the threat from Iran.

Let me just concentrate on the first two of those, because I think it is important that we understand what the policy is. I certainly agree with Senator Glenn's statement that the Persian Gulf itself is vital to our security. Certainly I think most people here would agree with that.

The question is this particular mission and what that does to the overall policy in terms of risk and so forth.

If we are going to protect the flow of oil and so forth, what is our position when, let us say, the Iraqis hit a Greek ship as they did when this tanker war started? What is our position, both policywise and military-wise?

ATTACKS ON NONBELLIGERENTS

Mr. **Armacost**. I think the way the tanker war has developed, Senator Nunn, by and large the attacks on nonbelligerent shipping have been attacks by the Iranians as the Iraqis have targeted on Iran, and their purpose——

Chairman **Nunn**. Have not the Iraqis also targeted all the ships that have transactions with Iran?

Mr. **Armacost**. With Iran, yes.

Chairman **Nunn**. That includes allies of ours, does it not?

Mr. **Armacost**. On occasion.

Chairman **Nunn**. Let us take the Greek ship, for instance. Do we approve of the Iraqi attack on the Greek vessel as a policy matter?

Second, if we do not approve of it, is there any kind of military response, if that reoccurs, or when similar incidents recur with a military vessel in that area?

Mr. **Armacost**. I think the question of approval is the difficult one to address, because one always regrets the attacks on nonbelligerent shipping. But the fact of the matter is, we have not assumed any responsibility for responding to attacks on such vessels, as these have been essential commercial transactions, and those who are transporting their oil into the gulf take the risks into account, and they have to calculate in their economic bottom line the costs of insurance.

They have done that, and we have not taken on any defense responsibility beyond the protection of our own U.S. flagged vessels.

Chairman NUNN. Well, the question I have is one of policy. Do we take the position under international law that, let us say Iraq in this case, and we will get to Iran in a moment, that Iraq has the right under international law to attack ships of nonbelligerents in the Persian Gulf that are trading with Iran?

Mr. ARMACOST. I do not think, if I were to consult my counsel, we would welcome attacks on nonbelligerent ships not carrying contraband goods. That would be my judgment.

Chairman NUNN. To say we do not "welcome it," is one answer; but the question I have is, is that something we are going to deplore? Are we going to say to Iraq that we do not want you attacking ships in the Persian Gulf of nonbelligerents? Or, on the other hand, are we simply saying to Iran, we do not want you to attack nonbelligerents? Which is it? Is it both? Or is it just one?

Mr. ARMACOST. We deplore all attacks, and our objective ought to be to see a cessation of the war come as quickly as possible, but we have not assumed a defense responsibility to protect the vessels of other countries.

Chairman NUNN. So if we have an American warship in the Persian Gulf and we see an Iraqi plane attacking a nonbelligerent, the American warship would not have any defense role whatsoever in that kind of situation?

Mr. ARMITAGE. That is correct, Mr. Chairman.

Mr. ARMACOST. That is correct, sir.

Chairman NUNN. Let us take it one further. Let us say the Iranians attack a nonbelligerent other than an American-flagged vessel. Let us say the Japanese have a tanker going through and the Iranians attack a Japanese tanker, hypothetically. An American warship is in the area. What then is our duty regarding the Japanese tanker under attack, if any?

Mr. ARMACOST. We have not assumed a responsibility for protecting non-U.S. flagged vessels. I think that situation may have occurred, although it has been a characteristic of the Iranians to avoid attacks on commercial vessels when the U.S. Navy is in the vicinity.

Chairman NUNN. Is our position the same regarding Iran and Iraq in terms of attacking nonbelligerents? Or do we have a different orientation with those two countries? Is our view going to be the same when the Iranians attack a nonbelligerent as when the Iraqis, and vice versa?

Mr. ARMACOST. We are protecting U.S. vessels against anyone who attacks them.

Chairman NUNN. Well how, then, are we explaining this policy in terms of freedom of navigation and free flow of oil? Because it seems to me that you have narrowed it down rather dramatically. What we are saying is, we have a policy to protect only American-flag vessels, and if they blow up every other ship in the Persian Gulf it is not something we are going to get involved in. Is that right?

Mr. **Armacost**. Well, let me put it slightly differently, Senator Nunn. We have these interests. The interest in the unimpeded flow of oil is not dramatically challenged at the moment. Less than 1 percent of the ships transiting the gulf are being attacked. The price of oil is not going up appreciably. Insurance rates are not going up dramatically. Our friends and allies are securing a steady flow of oil. The Strait of Hormuz is open.

Chairman **Nunn**. Do you not make a pretty strong statement in that regard for the status quo? It seems to me that you are rebutting any new step by America getting involved further when you cite all those reasons. It seems to me the status quo is pretty acceptable.

Mr. **Armacost**. No; let me finish. What we confronted early in the year against the backdrop of residual interests in free navigation and the free flow of oil was an increase in the intensity of attacks against Kuwait and an approach by Kuwait to the Soviet Union to provide protection.

Certainly our interests in the free flow of oil and the freedom of navigation would not be enhanced by the acquisition by the Soviets of a large, protective role in the gulf. We have traditionally supplied such protection. The West depends on the oil. The Soviets do not. For them to increase their military presence and assume a protective role in the gulf does place these larger interests at risk, even though they are not immediately jeopardized.

Chairman **Nunn**. One more question and then my time has expired. If the Soviets were not playing any role, and if the Kuwaitis had not asked the Soviets to play any role, would we then be protecting Kuwaiti ships by flagging them?

Mr. **Armacost**. Well, I am not sure. They were certainly being harassed. They were subjected to a lot of intimidation and pressure. They had stood up to the pressure on the terrorism issue and other issues. They are a friendly country. But I would have to say, it would have been a very much tougher call in the absence of the Soviet angle.

Chairman **Nunn**. Thank you.

Senator Warner.

Senator **Warner**. Thank you, Mr. Chairman.

Gentlemen, I come back to my fundamental question which still concerns me greatly. That is, throughout the history of this Nation whenever we put Americans in harm's way, life or limb, it has been for the cause of freedom, either our own freedom or that of our allies and our friends.

This commitment will put Americans in harm's way, but it seems to me it is for economic reasons. Now I subscribe to the theory that the gulf is of vital interest to us strategically and economically. But as you have said, less than one-half of 1 percent of the oil has been disrupted to date.

When Senator Glenn and I visited the gulf, by and large it was business as usual. Now I ask you, if we are to send a warship escorting Kuwaiti flagged vessels with the U.S. flag on it, and putting our men in harm's way under these circumstances, is it for freedom? Or for the buck?

Would each of you endeavor to answer that?

REASONS FOR REFLAGGING

Mr. **Armacost**. I think I would answer that this way, Senator Warner. We already confront those risks. We have a number of commercial vessels, and military sealift vessels that go into the gulf every month. That has been going on for years. We have U.S. warships in the gulf. Therefore, the risk that is posed for Americans has gone on for 40 years.

We are slightly increasing the number of U.S. flagged vessels, no doubt, as a result of this arrangement. But it does not change the fact that the American military men are sailing in the gulf, American commercial vessels are there——

Senator **Warner**. Mr. Secretary, I have to disagree with you. You are putting those flags on ships which still have a strong tie to Kuwait, which as was pointed out earlier, is an ally of Iraq.

Mr. Armitage.

Mr. **Armitage**. I will endeavor to answer, Senator Warner. I think that our decision to reflag the Kuwaiti tankers and to protect them was a calculated consideration of national security. It was national security in the future.

You are correct in the assumption, implicit at least, that if the Persian Gulf was not sitting on 70 percent of the world's oil reserve, it would not be of strategic importance to us. We are trying to prevent a situation in the future where American and Allied lives might be involved to overcome a hostage situation where we are hostage to an enemy's holding of strategic and vital petroleum reserves.

Senator **Warner**. Whose freedom is being jeopardized or lost, right now today with business as usual in the gulf, with 350 to 450 ships transitting the gulf every month?

Mr. **Armitage**. I would suggest that what is being lost is as these two belligerents bang away at each other, is any chance for stability in the area. If that is further lost, and if that instability is spread, then we and our allies will find in some measure our freedom impinged upon.

Senator **Warner**. We deplore this war and loss of life by anyone, but it has been going on for 8 years, and indeed the world has existed, and oil prices have not gone up as a consequence.

Time and time again this Nation has asserted that our role in the gulf is one of a neutral nation. If we take this added step of the reflagging, can we still stand up and make that claim?

Mr. **Armacost**. I believe we can. We have asserted a formal neutrality as a result of our refusal to sell arms to either party, with the aberration which we are all aware of. In general, we have maintained that stance.

What we are involved in is sailing around in international waters protecting free navigation. In this case, we have taken on a somewhat greater responsibility for transporting nonbelligerents.

Senator **Warner**. Well, I think——

Mr. **Armacost**. We are transporting oil. It is not a commodity which helps Iraq prosecute the war. Iraq does not need oil.

Senator **Warner**. Well, except that oil, as we learned—Senator Glenn and I—is translated into currency. This currency goes from Kuwait straight to Iraq to help them with the purchase of their military requirements. Believe me, I want to support the President, and I am struggling to do so, but when you follow through on these arguments, it seems to me they run out into an area where it is inconclusive.

BURDENSHARING

As I go back to my State and try to explain it, these are the questions that are put to me, and I have to answer them. I am concerned about this go-it-alone policy. Time and time again we have put questions to the leaders of the Gulf States. Now each of those states have modern military equipment, with well trained personnel and many of the pilots being trained by the United States.

While they are not large, they are significant in their symbol. We would ask the leaders of those Gulf States, if we got into a situation in international waters where one of our ships was defending itself, would they come to our aid even though she only had to fly a few miles to get there? The answer across the board is "no."

We asked again: Supposing we had to go in hot pursuit of an aggressor. Would you come to help? And the answer is, "no."

We are the ones that are benefiting those Gulf States to maintain their economic lifeline which is oil. Are we going to try and impress upon them the need to try and help us if one of our ships is in difficulty?

Mr. ARMACOST. I think the issue about burdensharing within the gulf is quite an appropriate one, Senator Warner. If we take on the reflagging of Kuwaiti vessels, obviously there are operational matters that have to be coordinated closely with them, and they have to take on that kind of liaison responsibility. They also have to provide support in the form of oil.

Senator WARNER. In the form of what?

Mr. ARMACOST. In the form of oil, petroleum for the support of the vessels used in the escorting of U.S. flagged vessels, that is, their reflagged vessels.

Mr. ARMITAGE. Senator, in further response to your question, there are things that they can do and have told us they will do, and I would be more than happy to speak to you in closed session about the whole range of them.

Senator WARNER. My time is nearing an end. One last question. We were told that if Iraq were to cease their attacks, Iran would do likewise. There are really two wars, the land war and a war at sea in the gulf.

STOPPING IRAQI ATTACKS

Are we going to make efforts just as firm toward Iraq to stop its attacks as we are in our threats to Iran?

Mr. ARMACOST. We would like to stop all attacks, Senator.

Senator WARNER. But are we going to make the effort to do it?

Mr. ARMACOST. We are seeking——

Senator WARNER. With Iraq?

Mr. ARMACOST. We are seeking in the Security Council to promote an arrangement which would stop all attacks, both ground and sea attacks in the gulf, and to put some teeth into the resolution.

Senator **Warner**. My time is up, Mr. Chairman.

Chairman **Nunn**. Senator Warner, I would like to just followup on that one question you asked, just because I think it needs to be pinned down.

You asked whether we were going to try to get Iraq and Iran to stop attacks at sea. The answer was, we were going to try to get them to stop all attacks, ground and sea. Now we understand that, but going back to Senator Warner's question, which I do not think you have answered, is it our policy to try to get Iraq and Iran as far as our goals which we have articulated—a free flow of oil, freedom of navigation—to stop all attacks in the Persian Gulf?

Are we going to pressure Iran and Iraq both to stop Persian Gulf attacks?

Senator **Warner**. And, pressure in an equal way. If we are a neutral, then it seems to me we have got to be evenhanded with both nations.

Mr. **Armacost**. If I might, Mr. Chairman, the necessity to stop both the sea and the shipping war and the land war is paramount. The Iranians are doing better on the land, I think as we all recognize, to Iraq's detriment. The one weapon the Iraqi's have is the sea war. You are correct. They started it.

What you would be asking them to do is to give up the one thing they feel has been effective and not get anything back from the Iranians in the land war. That is the conundrum. I have not finished. I know you are going to leap in——

Chairman **Nunn**. What we——

Mr. **Armacost**. The question is——

Chairman **Nunn**. Really, what I am asking is an explanation to the American people of what we are really doing. I may end up agreeing with it, but I want it to be honest and candid. I am not sure we have had that, because we have kept talking about freedom of oil flow, freedom of navigation, and what you are really saying, as I hear it in answer to Senator Warner's question, is that is really not what we are talking about. We are talking about trying to end the overall war, and we are willing for Iraq to continue the sea attacks on the Persian Gulf.

Mr. **Armacost**. I did not finish. I am not quite ready to say that we are willing to have Iraq continue the sea war. I was just pointing out from their point of view, it is one weapon that has been somewhat effective, and they have not been effective on land.

Chairman **Nunn**. I understand.

Mr. **Armacost**. Further to that is our view that, first of all, we would like the attacks to be just where belligerents can attack, in the exclusion zones and not on the high seas or the free seas, as a first step. Ultimately, we do want them both to stop banging away, because another incident like the *Stark* could happen to us or someone else, but I see it as a two-step process.

But I do not underestimate the difficulty of bringing the Iraqis to see the necessity of stopping shipping attacks, as well. Further, the Iranians have said that they will stop shipping attacks. We have seen no other evidence of their sincerity, and I am sure the Iraqis would say the same thing, that they have not seen any evidence of the sincerity to do that, either.

Chairman **Nunn**. Senator Exon.

Senator Exon. Thank you, Mr. Chairman.

Welcome, gentlemen. I am going to return to the questions that I posed in my opening statements and have just been touched upon to some extent by Senator Warner.

I believe that we have a difficult situation out there and that the people of the United States are asking us what we are doing. I think the people of the United States are saying that if we believe we have a national interest there—and I happen to be one who thinks we do—then tell us something more to better explain it.

Now I would hope that we are not going to have to go behind closed doors to have you tell us what, if anything, our allies are doing above and beyond what they are already contributing to that effort over there. I am going to pose this question to you. If you cannot answer it in open session, I will try and understand, but there must be something that is not totally secret that we must keep all of this information from the American public that we represent.

AID FROM OTHER COUNTRIES

What are we expecting from other nations in the way of providing additional assistance to us in maintaining some degree of peace and order in that troubled Persian Gulf waterway?

Mr. Armacost. Let me begin, Senator.

First, in terms of promoting the cessation of combat, we do have a right to expect that each of these countries will energetically engage themselves in the Security Council behind resolutions that would have some teeth in them and challenge the parties to cease fire and return to boundaries with the implicit threat that mandatory sanctions would be administered against the party that did not agree to that goal.

We have had an indication from the Summit participants in Venice today that they endorse that idea, and we expect to see them active up in New York. That is not going to produce immediate results, but I think there are some hopeful possibilities.

Second, as far as their own military contribution is concerned, the British and the French are already there. The British have slightly augmented——

Senator Exon. Mr. Chairman, Mr. Chairman——

Mr. Armacost [continuing]. They have not increased their presence because we asked them.

Senator Exon. Mr. Chairman, I clearly in my statement said "in addition to what they are doing now."

I do not want all of my 5 minutes taken up by reciting things that I already know. I know that.

What additional are the French, and the English, and the Gulf Nations in that area going to do to help us out? And furthermore, what have they been asked to do, other than to support us in the United Nations?

Mr. Armacost. Well, there are some of the military things that we could take up in closed session. With respect to the British and French, I do not think they have agreed to take on additional military deployments as a result of recent events, partly because I think they do not perceive a greatly increased threat to the oil lifeline, and partly because what we are proposing to do does not extend protection to non-U.S. flagged vessels.

Senator EXON. Who does not see a threat to the oil lifeline?

Mr. ARMACOST. I am not saying they do not see a threat.

I am saying that many of our allies do not perceive a greatly increased threat in recent months, and that is because of the statistics I cited before.

Senator EXON. Well, we obviously do see an increased threat, do we? Or do we not?

Mr. ARMACOST. Let me return to the subject that we were discussing—namely, the Kuwaiti flagging. This issue came up and a decision was provoked because, despite the fact that oil is still getting through, prices are not rising, the Kuwaitis were proposing arrangements that would have ceded a large protective role over that oil to the Soviet Union.

Our decision was promoted by that consideration and a desire to limit and curtail, to the extent possible, a Soviet protective role in the gulf, which brings into question over the longer term how effective we can be in protecting these other interests in navigation and the free flow of oil.

Senator EXON. Other than the request to have our allies join us at the United Nations and push for possible sanctions, what else did the President ask of our allies at the just-concluded conference in Italy?

Mr. ARMACOST. I am not sure I can speak authoritatively over all those discussions, which were quite closely held, but I can tell you that with respect let us say to the Japanese, who for constitutional reasons do not play a military role, we have suggested that they consider increases in the economic role they play in the contributions they make to the moderate states in that region, particularly those affected by the situation in the gulf.

Senator EXON. Did they agree to do that?

Mr. ARMACOST. They have certainly taken that under consideration. We have not gotten a final answer, but these are issues we have just begun to raise in the last few weeks. We do not get immediate answers to questions like that. They have certainly exhibited an openness about it.

Senator EXON. Specifically, did the President ask any of those countries at the meeting in Italy if they would join with us in asking the Gulf States that are supposed to be friendly whether or not they would provide landing rights for aircraft to cover our fleet?

Mr. ARMACOST. I would doubt that that was raised with our allies, but we have had discussions on those issues with the GCC countries and I think that is an issue which we would be prepared to take up in executive session.

Senator EXON. My time is up. Maybe that would come under the military application. Do you know anything about that, Mr. Armitage——

Mr. ARMITAGE. Yes, I do.

Senator EXON [continuing]. And outside of the meeting in Italy, I understand that the Secretary of Defense has been over there, and we have been told that he was going to pose that question to them as to whether or not the friendly Gulf Nations would provide us some landing rights for fighter aircraft. Has he been successful?

Mr. **Armitage**. I will say that he had pretty positive meetings with his Saudi counterpart, and that is with whom he was meeting. I would be glad to brief you on most of the aspects in closed session, but now in an attempt to be candid with you, we did get, thanks to the Saudis, a very helpful medical and search and rescue role, should it ever become necessary, God help us, but there are other aspects that I would be more than happy to talk to you about in closed session.

Senator **Exon**. Thank you. My time is up, Mr. Chairman.

Chairman **Nunn**. Thank you, Senator Exon.

Senator Gramm.

Senator **Gramm**. Thank you, Mr. Chairman.

I would like to begin by saying that it seems to me that where we got off the trail here was when we started having tankers of third nations attacked in clear violation of freedom of the seas' provisions of international law, and we did not seek to institute any kind of international effort to stop it.

It seems to me that the logical position should have been that we should, as the world's major trading nation, that we should have been the leader in putting together an alliance at least of our European and Asian allies to make it clear to the nations involved in this conflict, Iran and Iraq, that we were not going to tolerate any attacks on Third-World shipping, and that we were going to hold them accountable.

MULTILATERAL ATTEMPTS

It seems to me if we had done that, if we had put together any kind of multilateral effort to achieve that, that we would have shut down this sea war long ago and the *Stark* would have never been attacked.

Now I am not sure that it is too late to do that even now. It seems to me that if we had done it early on, we never would have been in this position; but is there serious consideration within the administration to try to do that now?

Mr. **Armacost**. We have, Senator Gramm, tried to get resolutions, and in fact have succeeded in getting resolutions in the past, to promote a cessation of attacks on neutral shipping, but they have not been resolutions that had any teeth behind them, because no consequences flowed from violating those calls from the U.N. Security Council.

That is why at the present time our objective has been to get something that has a little teeth—namely, mandatory sanctions and an arms embargo—directed against the country that does not comply with our call for a cease fire, and to address both the land and the war in the gulf for reasons that Mr. Armitage has been suggesting, because it has the likeliest prospect of flourishing.

Our strategic objective is preventing at this point an Iranian victory. What we would like is a termination of the conflict without a victory. Iraq is not going to win this war. You cannot preclude the possibility that in a prolonged war of attrition that Iran might. Therefore——

Senator **Gramm**. Well, excuse me? If I might say, Mr. Secretary, that we are comingling two objectives. One objective, which is the objective of those of us who are trying to support our policy, is to preserve freedom of the seas.

The other objective that you are stating is that there be some desirable outcome to this war. I am not sure exactly what that is going to be. But those are two totally different objectives.

It seems to me that one of the ways we got in the ditch on this policy is comingling those two, and I for one would like to suggest that we go back and try to put together an international agreement that has economic teeth and, if necessary, military teeth to stop the violation of freedom of the seas. If we do that, then we do not have to flag American ships, because we know that except in those restrictive zones close to the borders of the countries that are in conflict, that other ships will not be attacked.

SAUDI ACTIONS

Let me, within the time I have, if I may, just ask one other question. As I look over the list of ships that have been attacked since the first attack in 1984 and going down to the last one, there have been four or five Saudi Arabian ships that have been attacked. The Saudi Arabians have tremendous military equipment. They have got the F-15. They have got the AWACS. Why are they not doing something about this problem?

Why are they not using their military power to protect their ships and the ships of other nations in the region that are not in conflict? Or at least are not voluntarily in the conflict.

Mr. **Armacost**. I am not sure I will pinpoint right on your question. They have not asked us to protect their ships. They have taken the responsibility through the acquisition of their own equipment to provide that protection themselves, and that is a good thing.

Senator **Gramm**. Well, it does not look like they are doing much of a job of it.

Mr. **Armacost**. It has not been perfect.

Senator **Gramm**. Well, I guess, Mr. Chairman, I just would conclude by saying that I am not one of these people that is running around saying that we ought to have the Japanese and the Europeans sending ships down there. We are in an alliance in Europe. We want the Germans to buy more tanks. We want the Germans to buy more artillery. We have the Navy.

We want the Japanese to provide effective air cover for Japan, and therefore our military bases there. So I have never been swayed by this logic that we want everybody else to be able to do everything. I mean, our alliance specializes, and we are the Navy part of it to a major extent.

But it seems to me that we ought to have a coordinated policy; that we ought to be working with our allies in stopping the naval war which violates international law; and that we ought to call on those people in the region that have the stake and that have the military equipment to protect their interests and the interests of their neighbors, to do it.

I do not see that we are being effective at any of those things. So I am not criticizing the policy of trying to protect freedom of the seas. I am simply saying that if that is our objective, it is so comingled with all these other objectives that we are not really promoting it.

PROTECTION FOR U.S. FLAGS ONLY

Mr. **Armacost**. I think, Senator, we have not interpreted the requirements of protecting freedom of the seas to involve an extension of American protection and the American defense commitment to the flag vessels of all other nations, as we have been I think quite discriminating in providing protection to U.S. flag vessels in this response to the Kuwaiti request, which as I said we responded positively to in very heavy measure because of the alternatives we confronted at the time—a larger protective role by the Soviets.

That is a limited extension of our liability, but it involves a continuation of our practice of protecting American ships, not in extending our commitment to the ships of all others.

Now we do have a large general interest in keeping the gulf open, and that is a quite separate point. It is one we have stuck by for a long time and we will continue to assert an interest in that. But we are not proposing to extend the U.S. defense commitment to protect the ships of a whole lot of other nations.

Senator **Gramm**. My time has expired, Mr. Chairman.

Chairman **Nunn**. I thank the Senator from Texas.

[Whereupon, at 3:09 p.m., the committee was temporarily recessed to consider the nomination of General Vuono, to reconvene immediately thereafter this same day.]

[Whereupon, at 3:15 p.m., the committee continued in open session the testimony of Messrs. Armacost, Armitage, and Admiral Ailes.]

Chairman **Nunn**. The next Senator for questioning is Senator Glenn.

Senator **Glenn**. Thank you, Mr. Chairman.

On this question of freedom of the seas, I think that is the biggest fig leaf we have come up with yet. We are obviously tilting toward Iraq. We do not want Iran to win that war. Sure, we are for freedom of the seas, and I want freedom of the seas, and so does everybody else, but we are not protecting Iranian ships. We are not protecting the shuttle tankers coming down the coast from Kharg Island and down to load out of Bandar Abbas. The other day, we were over there in the strait on a little patrol craft, Senator Warner and I, and on the radar there were 42 ships over there at Bandar Abbas on the Iranian side of the strait waiting to get loaded up—ships of all kinds of nationalities.

We are not protecting those. I wish the Pentagon would get away from the pretext of freedom of the seas. Sure we are for that, but if these were two little island nations out in the Pacific fighting with each other, would we be out there sailing up and down between them upholding the principle of "freedom of the seas," unless we had an economic interest? Why, of course we would not.

We have an economic interest that is important for the free world for the indefinite future for our children and our grandchildren. Let us face it and say that. Then, Americans will understand what this is all about, because we do have a vital interest.

Sure, freedom of the seas enters into this equation, and I am for freedom of the seas like everybody else, but we are not talking freedom of the seas here. We are talking about flagging. It was not just that Kuwait chartered some of our tankers. We took their own vessels, had them transferred to American ownership, so they could be flagged, period.

So we are tilting toward Iraq, and I see nothing whatsoever wrong with being proud of that. We do not want Iran and the Ayatollah to dominate—as all the GCC states are scared of—that western side of the gulf. If they did, then 60 percent of the oil reserves of the world would fall within the Ayatollah's domination—and I do not want by grandchildren's future determined by the Ayatollah.

Those are just the facts of the case. So why this argument about freedom of the seas, important though that may be as a side issue here. If that is really our reason for being there, then we should be over at Bandar Abbas protecting shipping in and out of Iran, and protecting the tankers that are coming down there, the shuttle tankers coming down from Kharg Island against Iraqi attacks.

So this is a fictitious window dressing, and I do not understand why we keep pushing it because I think it just confuses the whole issue for the American people.

U.N. RESOLUTION

Can you give us a time line on when you hope to have a decision on the resolution at the U.N.?

Mr. Armacost. At the U.N.?

Senator Glenn. Yes.

Mr. Armacost. I do not know that one can ever predict with great assurance when the U.N. gets around to finishing its business. What I would say is I feel we are fairly close to agreement on a first resolution. The structure of the negotiations as they have evolved has been to secure agreement among the permanent members on a first resolution, which would spell out the call for a cease fire, a return to boundaries, an exchange of prisoners, and some other provisions, and would contain in it a hint of enforcement measures.

Senator Glenn. In your——

Mr. Armacost. The plan has been to seek agreement on the enforcement measures among the Security Council members in a second resolution before putting the first one to a vote. We have just reached the point where we sense agreement on a first resolution, but it leaves very difficult bargaining to come over the mandatory sanctions, and I do not know how long that would be.

Senator Glenn. Can you tell us whether you are talking days, weeks, months, 6 months, or a year before we have something that is effective? I was told by a high administration official a few days ago that we thought we might be able to have this within a couple of weeks.

Now if there is anything that is that imminent, it would seem to me we would be very smart to hold up on the reflagging, because it might make the reflagging unnecessary. If we had a U.N. resolution, a binding resolution, with sanctions on it, then it would seem to me we would not have to go ahead with flagging, we would wait and try to make that effective, and then the reflagging becomes a moot point. What is the timeframe we are talking about?

Mr. **Armacost**. I would hesitate to make a flat prediction of that sort, because it is taking some months to get agreement on the first resolution, and I think the more difficult one in some respects is the mandatory sanctions, because that engages a commitment by China, whom we think has been engaged in some arms' sales themselves, and the Soviet Union which has not declared itself on Chapter 7.

Senator **Glenn**. OK.

Mr. **Armacost**. So I think it would probably take longer than that.

REFLAGGING SCHEDULE

Senator **Glenn**. We'll if it is going to take longer than that, then, what is our plan for going ahead? What is the schedule for reflagging the Kuwaiti tankers? Can you give us a date when that is going to start?

Mr. **Armacost**. No. I think what we would say is that the certification and inspections are going forward, and those will be completed and the paperwork in a matter of days, or a week or two. But the President has said we will not formally reflag—that is, will not consider any of those reflagged—until a protection regime is in place, and until the President has finished consultations with you.

Senator **Glenn**. Is it mainly deciding what military force we are going to send over, rather than the reflagging process itself? Because we were told when we were over there by a person in Kuwait who runs that whole thing that they were going to be ready by the end of that week, and that was a week ago last Wednesday.

Mr. **Armitage**. Yes sir, You are right, Senator Glenn. I think the paperwork on all of them has just about been completed. We will be in a position with the augmented force in the Persian Gulf that we feel is necessary by around July 3. That is not a start date.

Senator **Glenn**. Are we holding up, then, on the reflagging until we get some of this ironed out? Are we deliberately holding up on the reflagging process?

Mr. **Armitage**. Well, no. The reflagging process will be complete, but no ships are going to sail, sir, until the President is satisfied that he has the force there to do the job that he wants to do.

Senator **Glenn**. Well, where do we stand with that? Admiral, are we going to put a battleship in there?

Mr. **Armitage**. We do not plan to put a battleship in there now, sir.

Senator **Glenn**. Is that still under consideration?

Mr. **Armitage**. Not in the gulf itself, at present, sir.

Senator **Glenn**. I think that is the ideal weapons system for that mission. It can reach every target over there, and it is virtually invulnerable. They cannot hit it; they cannot sink it; there is nothing they have that can damage it, if I ever saw a tailor-made use for the battleship, this is it, and I have been advocating it ever since I got back.

It would show our resolve, our will, there would not be any doubt our American commitment. I think that is the ideal weapons system for it.

Mr. ARMITAGE. Thank you, sir.

Senator GLENN. But I hope it is still under consideration. Did you say it is, or it is not?

Mr. ARMITAGE. It is in consideration. I understood your question to be, is it going to go now, and it is not, sir.

Senator GLENN. The other aspect of this issue is that nobody gets hurt in this war. No ships have been sunk in the last 5 years, out of the 318 attacks. Only a few small ships were lost early on in the war.

Iraq has not hit at Iran's economic lifeline. Kharg Island is up there, but they do not attack it. They come down and try to get the ships coming down the coast. Nobody is willing to take the risk of going in.

At the same time, I am told that part of the President's secret arms sales to Iran were spare parts for the Hawk missiles which defend Kharg Island, so we cannot knock out Kharg Island now because those missiles are back in condition to go ahead and defend that area. It just shows the folly of that ill-considered arms sale to Iran, which was the most ridiculous action we have done in decades.

Now we have made it more difficult for Iraq to defeat Iran by the action we took in sending spare parts over there. Then we want our allies to stop sending arms to Iran. It is a rather convoluted situation.

You said in your statement that in the U.N. we need assertive and binding international efforts through the U.N. what are those assertive and binding efforts? The way I read it, it was apart from the U.N. resolution.

Mr. ARMACOST. No. What we would look for is mandatory sanctions against the country that did not comply with the call for cease fire. Now we have not negotiated what those measures would be in our minds, but it would be an arms embargo, which would have the effect of multilateralizing what we have attempted to do over the years ourselves through "Operation Staunch." That is, secure the cooperation of the other powers in a suspension of all arms shipments to the party which did not comply, and we would assume that would be Iran.

Senator GLENN. How long do you think we——

Chairman NUNN. Senator Glenn, I am sorry, but your time has expired.

Senator GLENN. Oh, OK. Sorry. Just one more? How long can we delay. [Laughter.] The reflagging without nixing the whole deal?

Mr. ARMITAGE. I do not think we know the answer. However, when we first started talking with the Kuwaitis about——

Chairman NUNN. We had time, Senator Glenn, for one more question and no more answers. [Laughter.]

We will yield you time on the committee. Go ahead.

Mr. ARMITAGE. When we talked to the Kuwaitis, we made it very clear that no matter when the reflagging might be done, nothing would move, and they have accepted it, until the President had been satisfied.

We did have the matter—and I think the Chairman mentioned it in his opening remarks—of the Department of Defense report to the Hill, both unclassified and classified, which we are endeavoring to put together now. We have received the letter from the Speaker and the Majority Leader in the Senate asking us to have this up by Friday afternoon or, if because of the developments in Venice it has to wait until Monday or Tuesday, that is OK, but we are endeavoring to get this thing finished before the weekend.

Chairman NUNN. Thank you.

Senator HUMPHREY. Thank you, Mr. Chairman.

Mr. Secretary, you have noted in your testimony that the percentage of ships attacked in the gulf is very small, less than 1 percent. As Senator Glenn added, not even one ship in this war has been sunk. Companies are not encountering problems in finding ships or crews. Insurance rates are not prohibitive and, as you have said in another place, oil prices have not risen unreasonably.

WHY REFLAG

So what is the big deal? What justification is there for placing the lives and well-being of American sailors at risk in a very turbulent, if not irrational, part of the world?

Mr. ARMACOST. Well, as I said, after last September, within the general framework of a conflict in the gulf which still permitted oil to generally go through, there was a focus by Iran on Kuwaiti-associated shipping. That means, ships destined for Kuwait and some Kuwaiti-owned tankers—I think there were three or four of theirs that were hit. But it was that——

Senator HUMPHREY. Will you focus on Kuwait's problem then? How many Kuwait ships have been sunk? How many have been put out of service for a significant period of time? What economic loss has Kuwait suffered?

Mr. ARMACOST. I believe there were about either three or four Kuwaiti vessels that were targeted in this period after September. I do not know that any of them were more than temporarily disabled, and none as far as I am aware of.

Senator HUMPHREY. Then what is the big deal? Is it the Soviet presence? Is that it, really? Is that the essence?

Mr. ARMACOST. I think the decisive factor was indeed that Kuwait, having perceived an increase in the risk to itself, was inviting a Soviet protective role in the gulf. We felt it was important to curtail, or curb, or limit, or contain that as much as we could.

Senator HUMPHREY. Fine. I do not think there are any one of us here who wants to see an increased Soviet influence in the gulf, but let me ask this question. Had the Soviets not reflagged the two Kuwaiti tankers, would we be proposing to reflag 11?

Mr. ARMITAGE. If I may, Senator, there is a little confusion. The Soviets have leased three craft. However, it is important only because the Iraqis when they came to us——

Mr. ARMACOST. "Kuwait" or "Iraq"?

Mr. ARMITAGE. The Kuwaitis. When the Kuwaitis came to us they had indicated that they had a scheme in mind wherein we would do six under our flag, and the Soviets would do five, or vice versa, and we found our enthusiasm for that proposal minimal.

Senator HUMPHREY. So we gobbled up all the remaining options? That is what it comes down to, does it not, or proposes to do? Is that correct? We are going to reflag everything that is left?

Mr. ARMACOST. Well, we offered to flag the 11 vessels, yes, the 11 tankers.

Senator HUMPHREY. Now you said this is not an open-ended commitment. I recognize it has not gone into effect yet and it is being held in abeyance, but if it is not open-ended then for what period of time are we proposing to reflag these Kuwaiti tankers?

Mr. ARMACOST. Well, I was referring to a different point, Senator.

Senator HUMPHREY. OK, but can you answer my question?

Mr. ARMACOST. Namely, that we were not proposing simply to wholesale reflag the vessels of every other country in the world, and to take on that kind of commitment. The reflagging does not have, as far as I am aware, a time element to it. That is, they have been given a waiver up to a year to meet some of the certification and safety requirements that exceed those of international standards.

Senator HUMPHREY. Fine. I understand.

Mr. ARMACOST. But beyond that, they can continue being U.S.-flag vessels.

Senator HUMPHREY. I understand the meaning of your term, then. Nonetheless, my question remains: Over what period of time have we proposed to obligate ourselves in this reflagging of Kuwaiti tankers?

Mr. ARMACOST. Well, what happens is these become American flag vessels.

Senator HUMPHREY. Indefinitely?

Mr. ARMACOST. They must comply with our law. They are subject to American taxes, American corporate law. They can be requisitioned by the United States in an emergency.

Senator HUMPHREY. I understand. I will keep that in mind. Indefinitely, then?

Mr. ARMACOST. There is no term on it, as far as I am aware.

Senator HUMPHREY. Indefinitely.

Mr. ARMITAGE. The decsion for these ships to go back to Kuwait would have to be made by the U.S. Maritime Administration, Senator. It is controlled here.

ARMS SALES TO IRAN

Senator HUMPHREY. Am I correct that the President sought in Venice an agreement among the allies to cut off arms sales to Iran? If that is correct, what was the outcome?

Mr. ARMACOST. I am at something of a disadvantage, Senator, because our people have not gotten back, and I have not seen all the memcoms of these discussions. But I think it would not surprise me at all, because that has been a major objective for a long time.

Senator HUMPHREY. Well, the press are reporting that it was raised, and that no practical agreement was reached. Is that your understanding?

Mr. ARMACOST. In terms of arms supplies to Iran, it is rare that countries acknowledge such arms supplies to Iran. That is one of the problems of "Operation Staunch." We have had to rely upon intelligence findings, and have had to go to governments to tell them things that they do not generally acknowledge in public.

Senator HUMPHREY. Well, my point is this. You are a diplomat, so you dance around these things. That is the way you are trained, I guess, but it is clear the President sought that. He did not achieve it. What that seems to mean to me is that the allies want the best of both worlds. They want the profits from selling weapons to Iran, and they want us to pick up the tab for keeping the sealanes open and flowing to Europe, and I think that is a bum deal.

Mr. ARMACOST. I think the principal supplier, though, Senator Humphrey, to Iran are North Korea, China, Bulgaria, East Germany, Rumania.

Senator HUMPHREY. Nonetheless, some of our allies at least are selling weapons to Iran. Am I not correct?

Mr. ARMACOST. We see lots of evidence of that, and that is why we keep a full court press on people, but we rely on intelligence information for this, rather than open public acknowledgment of it.

Senator HUMPHREY. Is the administration carefully weighing the potential for escalation, military escalation? I am really very concerned about once again placing our military in a position where the rules of engagement are unclear, where they do not truly have the latitude to defend themselves aggressively, and where the stakes, the ante can be considerably raised.

I mean, Khomeini has talked about suicide missions with helicopters, and it could become a real mess. Has the administration made a dedicated study of the potential for escalation?

Mr. ARMACOST. Yes. In two ways. Not only in the discussions leading up to the decision to reflag, but also by bringing in outside experts, civilians, who are not engaged with us to discuss the situation and game it, if you will, to see where it might come out.

Senator HUMPHREY. Thank you. My time is up.

Chairman NUNN. Thank you, Senator Humphrey.

Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

The Kuwaitis have really got one of the best deals in town, I would expect you would say, if you look over how they have been playing the Soviets and the United States. On January 13, the Kuwaitis asked the U.S. Embassy if reflagged Kuwaiti-owned vessels would receive U.S. naval protection, and the United States learns that the Kuwaitis have a similar offer in to the Soviets.

Then the President says on January 23, he talks about freedom of the seas. He makes another statement on February 25 about freedom of the seas. Then in the very late part of February, the U.S. Government learns that the U.S.S.R. agreed to reflag and protect some Kuwaiti tankers. And guess what? Two days later, on March 2, the Kuwaitis asked to put six vessels under U.S. flag.

So what did we do? Just a day or two later, the U.S. Government learns that the Soviets are prepared to protect five tankers under the Soviet flag, so then what do we do? The Kuwaitis are informed of a U.S. offer to protect all 11 vessels in question. And on March 10, the Kuwaitis indicate it will accept the higher offer.

They have been playing one against the other and they have gotten both. I think the point Senator Glenn made about the real reasons for United States involvement ought to be laid out for them.

TANKER WAR

This chart here, which represents the different assaults, both by the Iranians on Iraqi ships, and Iraqi on Iranian ships, you will find out according to the State Department data, 60 percent of all the attacks have been by Iraq, 40 percent by Iran.

And I will ask that that be put in and be made a part of the record. It might be some other variation but it is generally as I understand about 60–40.

So the questions that come earlier about whether we are going to see an escalation of this conflict or a reduction, is a very legitimate one.

Because we are siding on the side that is providing 60 percent of the attacks now. So what are we doing? Is it a part of our policy, besides flagging, to get the Iraqis to bring that down or to halt it? Is that a part of it?

Because I want to know whether we are going to go in for continued escalation or whether we are going to use evidently our new influence down there with the Iraqis to try and bring some reduction in terms of the level of hostilities. That is a question.

[Information requested, follows:]

TOTAL IRANIAN ATTACKS

	1984	1985	1986	1987	Total
Flag flown by attacked ship:					
Iraq	0	0	0	0	0
Kuwait	4	2	2	2	10
Other/Middle East	2	1	5	1	9
Europe	2	4	11	2	19
Japan	0	1	1	3	5
Liberia	3	2	5	3	13
Cyprus	0	1	4	3	8
Panama	3	0	5	3	11
Other	3	1	5	5	14
Total	17	12	38	21	89

IRANIAN ATTACKS ON KUWAIT—CONNECTED TARGETS (SINCE SEPTEMBER 1986)

	Sept.–Dec. 1986	1987	Total
Kuwait	2	2	4
Other/Middle East	1		1
Europe			
Japan		3	3
Liberia	1	3	4
Cyprus		1	1

IRANIAN ATTACKS ON KUWAIT—CONNECTED TARGETS (SINCE SEPTEMBER 1986)—Continued

	Sept.–Dec. 1986	1987	Total
Panama		2	2
Other		5	5
Total Kuwait connected attacks	4	16	20
Non Kuwait connected Attacks	4	5	9
Total	8	21	29

TOTAL IRAQI ATTACKS

	1984	1985	1986	1987	Total
Flag flown by attacked ship:					
Iran	2	2	11	12	27
Kuwait	0	0	0	0	0
Other/Middle East	2	1	1	0	4
Europe	5	10	8	1	24
Japan	0	0	0	0	0
Liberia	6	5	13	1	25
Cyprus	2	2	12	4	20
Panama	2	5	3	2	12
Other	2	5	4	2	13
Total	21	30	52	21	125

Note:—Based on State Department data through May 1987.

Mr. **Armacost**. Well, again, Senator Kennedy, we feel the best way we can cut a very complicated equation apart is to get a cessation of all the attacks.

Because it is a fact that if you go after only the gulf war, then the practical effect of this is disadvantageous to the weaker party, and the party which I think no intelligent analyst believes can win the war and the only party which has agreed to end it.

Senator **Kennedy**. Well, the history would show that the Iraqis started the sea assaults.

Mr. **Armacost**. That is true.

Senator **Kennedy**. Second, is this a commitment for the end of the war now? Are we going to have these flaggings on till the end of the war? Do we understand that in either case?

Mr. **Armacost**. As I said, there has been no discussion of a term for this. It is a matter of reflagging these vessels and treating them as other U.S. flag vessels without imposing a time limit on it.

Senator **Kennedy**. Well, do we have any plan now to expand it to the rest of the Kuwait fleet?

Mr. **Armacost**. No. As I said, it is our understanding that while two of their vessels are already flagged to the British, the balance of their tanker fleet is occupied outside the gulf, and therefore the issue has not arisen and we would not expect it to.

Senator **Kennedy**. Now, obviously the attacks on the Kuwaiti ships was to separate the Kuwaitis from the Iraqis.

Now if the Iranians find out that to be somewhat successful, they must try to do something on the land in Kuwait, what does your intelligence tell you about the possibilities?

In terms of terrorism? In terms of limited military operation? And then what is the United States prepared to do? Are we going to draw the line at sea, or are we prepared then to take some action?

And what are we going to find out if the Kuwaitis make a similar request to the Soviet Union?

Mr. ARMACOST. I think they have already been subjected, Senator Kennedy, to considerable harassment and pressure. But they have taken that as their responsibility.

Senator KENNEDY. What has been the action of the United States with regards to the Soviets here?

What if the Kuwaitis now make a similar request of the Soviets about some kind of intervention or some kind of protection in Kuwait? Are we going to follow the same logic which is bringing us here to there as well?

Mr. ARMACOST. I simply would not anticipate anything of that sort.

Mr. ARMITAGE. I think the first time, in fact I know that the first line of defense as far as Kuwait is concerned, Senator, would be the GCC and the Arab League, clearly. That is why they are practicing with their Peninsula Shield series of exercises.

Senator KENNEDY. Let me ask this. What is the anticipated Soviet warship increase in the next few weeks? The Russians are flagging ships. Are you anticipating increased Soviet warship presence?

Mr. ARMITAGE. The Russians have not flagged ships yet, sir. They have at least two, and we see at least three minesweepers in the gulf, and one cruiser on its way. Whether it enters into the Persian Gulf or not, I cannot say.

Senator KENNEDY. So they have three minesweepers there now?

Mr. ARMITAGE. Yes, sir.

Senator KENNEDY. And they have a cruiser headed to the area.

Mr. ARMITAGE. Yes, sir.

Senator KENNEDY. And they have got the two leased ships. What does your intelligence indicate, or can you tell us, whether you anticipate any buildup in terms of Soviet naval presence?

Mr. ARMITAGE. I am sorry. I misspoke. It is three leased ships, one is damaged now. And it leaves two. But I do not have intelligence that shows of an increase beyond what I just mentioned with the cruiser coming in.

The Soviets, however, are present down around Eden, as you know, and use it as a port.

Mr. ARMACOST. They do have, I think, a destroyer and a frigate in that general area. So there are forces in the Indian Ocean that are available to augment that force.

Senator KENNEDY. My time is up, Mr. Chairman.

Chairman NUNN. Thank you, Senator Kennedy. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I have great respect for my colleague from Virginia and his question about whether we are involved in the defense of freedom or economic reasons.

I would like to say that my good friend knows as well as I do that our first military effort as an independent nation was to send some ships to Tripoli to ensure an economic goal was achieved, and that was that the U.S. Congress could sail unimpeded through the ocean.

So I think there is some precedence for taking actions to have a stable and free economy of the free world, which then ultimately, if impaired, then leads to placing freedom in great danger.

I would like to ask the admiral, if I could, if he could tell this committee what naval forces are required to implement the proper protection of the U.S. flagged Kuwaiti ships?

And that equipment is necessary on board those ships in order for us to have a reasonable aspect of protecting, providing those ships with the proper protection?

Admiral AILES. We have augmented the ships in the area by three additional ships. The ships that we tend to use for the role are antiair warfare equipped ships——

Senator McCAIN. Admiral, I do not mean to interrupt, but what I am asking you is once the flagging has taken place, what ship, naval presence or air presence or whatever military presence is necessary to provide the protection to those Kuwaiti ships, once the 11 ships are flagged?

Admiral AILES. We believe that with the three augmented ships, we will have the forces that we need to perform the flagging and the escorting of those ships. That will give us an adequate force.

As you know, we have additional forces in the Indian Ocean, which currently includes an aircraft carrier for contingency operations. Those would be available but would not be part of the escorting mission.

Senator McCAIN. In your military judgment, it is not required to have continuous air cover so that those ships can be escorted with some security?

Admiral AILES. No, sir. We believe that the role that we see those ships in can be adequately met with the ships that I have mentioned, sir.

Senator McCAIN. Thank you. And those three ships are again?

Admiral AILES. Those are antiair warfare ships, in this case cruisers and additional frigates, all of which are antiair warfare capable. That is——

Senator McCAIN. Aegis equipped?

Admiral AILES. At this time there is no plan to put an Aegis-equipped ship there. There would be Aegis ships available elsewhere, however.

Senator McCAIN. Thank you. Mr. Secretary, in your statement you say that it would be foolhardy for Iran to attack American flag vessels.

I agree. But I think the history of this revolution indicates that they do a lot of foolhardy things. And I think the crucial question here that the American people need an answer to is, what are we prepared to do in case of an attack by Iran on an American flag ship?

What lengths are we prepared to go to militarily or any other way to respond to an attack on a U.S. flag ship?

Mr. ARMACOST. I think in an open session what I would say, Senator McCain, is they need to be assured that there will be a strong response. But it would be inappropriate to try to specify precisely in advance what that response will be.

That is, we ought to convey clearly that there will be a response, decide ourselves what it will be, make them worry about it, but there must be assurance that we will respond.

Mr. ARMITAGE. I might add, Senator McCain, that the first issue that we have come to before we talk about a response is that of defense, and our first thrust was on the ability to defend ourselves from harm and then hopefully to protect a ship, and then further to have the strong response.

The full menu of options has been discussed, and I think it has been laid out that these are not things that one would want to get into without some consultation.

Senator MCCAIN. I hope that we are then explaining to the American people that this is not without risk.

Mr. ARMITAGE. It is not without risk is quite true.

THREAT OF SILKWORMS

Senator MCCAIN. In the case of the Silkworm missiles, again in your statement, Mr. Secretary, you say the deployment of Silkworm missiles raise the threat to shipping in the straits. We have ensured privately as well as publicly that Iran understands our concern about the threat posed by the missiles.

One harkens back all too often in any debate around here to the Vietnam war. But it does give me a rather unpleasant flashback to the spectacle we were treated to of the emplacement of the SAM missiles all over North Vietnam, and then we decided to try and respond to them once they were in place, operational and well tested.

Are we expressing these concerns, aware that once they are in place they pose a very significant threat to our ability to flag these ships?

Mr. ARMACOST. Once in place they do pose a greater danger, surely, and that is why we have been communicating privately and publicly now.

Senator MCCAIN. And the idea of a pre-emptive strike has been discussed?

Mr. ARMACOST. I have nothing to add to that public discussion.

FRENCH AND BRITISH ACTIONS

Senator MCCAIN. Well, can you tell us a little bit what the French and British are doing to protect their flag carriers?

Mr. ARMACOST. They do not provide a regular escort of flag vessels, Senator McCain; they provide a presence, particularly the British. Inside the gulf the French are less regularly in the gulf, but they are close to it.

It is more a matter of being in communication with the flag vessels and being present in the area if any should encounter difficulty. They do not provide an escort or convoy system for all their flag vessels.

Mr. ARMITAGE. We note that they have, Senator McCain, between 12 and 20 ships a month carrying the British flag who ply those waters.

Senator MCCAIN. Do you at least view in the short term that there may be a commonality of interest between ourselves and the

Soviet Union as far as making sure that the Iranians do not win the war, and maintaining the freedom of navigation in the seas and the gulf as well as supply of oil?

UNITED STATES-SOVIET COMMON INTERESTS

Do you see a commonality of interests there between ourselves and the Soviet Union?

Mr. **Armacost**. Well, I think with respect to the first, there is a convergence of basic interest. They do not want to see the Iranians win. They would like to see an early end to the war, and it is on that basic convergence of interest that we have tried to build in the U.N.

As far as protecting the flow of oil in the gulf, I would hate to be dependent on their role in protecting it. And therefore, it is with that in mind that we have sought to limit as much as we can their role in a protective regime.

Mr. **Armitage**. We just can not see any good at all come of increased Soviet presence in the gulf for Western interests, and certainly our own.

Senator **McCain**. Thank you, Mr. Chairman.

Chairman **Nunn**. Thank you, Senator McCain. Senator Shelby, you are next.

Senator **Shelby**. Thank you, Mr. Chairman. How many of these 300 vessels or more a month are French or British or Japanese?

Mr. **Armitage**. The British have between 12 and 20. Japanese and French, I do not have the figures, and will provide them for the record.

Senator **Shelby**. You will provide them for the record?

Mr. **Armitage**. Yes, sir.

[The information follows:]

Nationality of Shipping in the Gulf

To put the picture in perspective, on any given day there are about 300-350 commercial vessels in the Persian Gulf, over 1,000 dead weight tons (DWT). Of those, 3-4 are British, 1-2 are French and 9-10 are Japanese.

Senator **Shelby**. But are the Japanese vessels a larger part of the tankers coming through there than the French or the British, as far as flag vessels?

Mr. **Armacost**. I do not know that, Senator. I do not think so, though we will find it for the record.

Senator **Shelby**. What you are saying is what we have agreed to do is flag 11 vessels of Kuwait?

Mr. **Armacost**. That is right.

Senator **Shelby**. And of their 11 vessels, these particular vessels are 11 of the 300 going through, that is a drop in the bucket. Is it not?

Mr. **Armacost**. It is not a huge percentage. Right.

IS UNITED STATES PROVOKING IRAN

Senator **Shelby**. Not a huge percentage. Yet, Secretary Armacost, you said in your statement that our intent, meaning the administration's, is not to provoke but to deter.

Mr. **Armacost**. Right.

Senator **Shelby**. Are you not basically provoking the Iranians when you flag the Kuwaiti vessels?

Mr. **Armacost**. I do not see why it should represent a provocation. It is nonbelligerent in the war. These are tankers that are carrying oil. They are operating in international waters. They are sailing to a neutral port.

Senator **Shelby**. What about the other 290 vessels that are going through the waters each month, more or less?

Mr. **Armacost**. For most of them, the same characteristics apply. But as I have tried to say, we are not involved in an open-ended protection scheme extending U.S. defense assets to afford protection for the flag vessels of every other country.

Senator **Shelby**. Are you more or less taking sides in the war, rather than providing freedom of the open gulf of the seas?

Mr. **Armacost**. I do not consider it taking sides in the war in the formal sense. We have chosen not to sell arms to either party. We are trying to bring——

Senator **Shelby**. But you have sold arms to both parties. Have you not?

Mr. **Armacost**. No.

Senator **Shelby**. You did not sell any direct.

Mr. **Armacost**. No, sir.

Senator **Shelby**. But you sold them secretly to the Iranians. Now you are taking sides against the Iranians. Are you not? By flagging the vessels.

Mr. **Armacost**. They are not a belligerent in the war. Their position, by virtue of their location and their size, is a very uncomfortable position. There is no question.

Senator **Shelby**. Would it not be better to tell the American people what you are really doing here?

You know, you are interested in economic well-being of our allies in the gulf. We are interested in the Persian Gulf area, as has been pointed out, mainly because of the oil that lies there and trying to keep the Soviet influence down.

Would it not be a lot better to tell the American people that, rather than say we are trying to protect the freedom of the seas, when you are really not protecting the freedom of the seas, if you are only flagging 11 vessels?

U.S. OBJECTIVES

Mr. **Armacost**. Well, let me try and say again what I think we are doing, and that is, we confronted a request from a friendly country that has been constantly harassed and intimidated by the Iranians.

They had been targeted. We are extending a U.S. flag to those vessels. It is a limited liability commitment. We are doing that, as I said, because the alternative to our doing it appeared to be a much larger protective Soviet role in an area of great strategic importance to us.

To be sure, we are incurring somewhat greater risks. I believe those risks are manageable, both because of the fact this is not an open-ended kind of commitment to a lot of other countries, and because of the fact that the Iranians have heretofore been quite cautious in dealing with the United States in the gulf, for good reason.

Now that does not mean we can confidently assume there are no increased risks. But I think they are manageable, and I think there has been a certain amount of exaggeration in the threats, arising quite naturally over the *Stark* incident.

Senator SHELBY. We know there are risks here, and we have talked about them in the committee and you have talked about them with other people.

But is there not a greater risk when this administration keeps on being a little deceptive with the American people, rather than straightforward like I suggest that you ought to be? And protect our interests, but be honest and straightforward about it.

Mr. ARMACOST. Well, I am trying to say it as straight as I can. I do not think this is mealy-mouthed. This does represent some modest increase in the liabilities to which we are exposed.

But it does not represent a kind of open-ended commitment to protect the vessels of all other countries.

Senator SHELBY. But it does not solve the problem of trying to end the war. It looks to me like it is going to escalate the war.

Mr. ARMACOST. Well, that is precisely the reason why we have tried to put more energy into this U.N. Security Council effort, because we think the best guarantee against continued expansion of these kinds of attacks, which do affect us, and pose the risk, is to get the entire war stopped.

GCC ACTIONS

Senator SHELBY. What is it going to take to get our allies, so-called allies, the Gulf States, Saudi Arabia that we have sold a lot of weapons to get involved. I do not know what the Kuwaitis have. They have got a lot of money. They should have some kind of armaments.

Why can they not share some of the protection? What have they done as far as protecting their own ships, and protecting each other's ships in this area. If they have done anything, it has not been brought out in this committee.

Mr. ARMITAGE. I think you are attributing to some of the Gulf States more effectiveness in the military sphere than is warranted, sir.

Mike had indicated limited effectiveness in the Saudi experience. They have tried to take on their own protection of ships with mixed results. The Kuwaitis do not have a navy that is of the type that could provide the protection, nor do they have the air force.

There has been great difficulty in selling some arms to some of our moderate Arab friends. In fact, this is one of the reasons that we find our credibility very sorely tested in the area, because we have been unable to provide for many of their defensive needs.

Senator SHELBY. My time is up, but I want to leave you with one thing. Why keep selling arms if they are not going to use them? They have not even used them to protect their own interests.

Mr. ARMITAGE. The Saudis used them when they knocked down the Iranian F-4 in 1984, Senator Shelby, right at the time that

Mike and I were testifying in front of another committee of the Senate about an arms sale to Saudi Arabia.

And we were hearing that same charge at the very minute the telex came in, and it was handed to Senator DeConcini, and he read it and said, the Saudis have just knocked down an Iranian F-4, which we thought made our case. It did not have much weight with that particular committee.

Senator SHELBY. Well, I am going to watch and see what they do now. Thank you, Mr. Chairman.

Chairman NUNN. You felt you really had control of world events at that stage.

Mr. ARMITAGE. For about 35 seconds.

Mr. ARMACOST. Could I comment, Senator, or does the clock move whether I am talking or not?

Chairman NUNN. Well, on no one's time. Go ahead. Comment.

Mr. ARMACOST. I just want to say that when the GCC countries met this weekend, this past weekend, one of the characteristics of the meeting was a certain hesitancy on their part to get too far exposed, precisely because they were not sure whether we were going to follow through.

It is the characteristic of small countries that they tend to minimize risk. And these are small countries. They are confronting a very large country across the gulf, and a country they know is quite prepared to utilize a variety of weapons against them. Terrorism or military force.

So they are tending to look toward the consistency and the resolution of our policy before they get too far out, because they feel the effects very immediately.

Chairman NUNN. Thank you. Senator Quayle.

Senator QUAYLE. I think it is quite clear to you that what we are extracting here is trying to make sure, first of all, that we have a clear understanding of what the objectives are and where are we going.

Correct me if I am wrong, but essentially you have three main objectives. One is obviously the free navigation of the seas. Two, we have a responsibility and we really do not want the Soviet Union to assume that responsibility in the Persian Gulf. And three, we are saying to Iran that we really do not want you to win the war.

Am I far off in saying that those are basically our three objectives?

Mr. ARMACOST. You can say so.

Mr. ARMITAGE. I would have only added, and to support our moderate friends, which is the other side of Iran not winning the war.

Senator QUAYLE. OK. But we are basically saying, Iran, we do not want you to win the war. And I have nothing wrong with that.

I wish that we would say that. I think it is fairly clear to me. And I just tried to see if I was far off-base to state it in those terms.

Now I think what is bothering people, Senators and people in the country, is not that we are going to have a presence in the Persian Gulf, because I have asked this question back in Indiana and elsewhere.

I said, what do you want us to do? Just bug out of there? No. They want us to have the presence. But I think it comes down to, how are we going to go about, or maybe as some people said, should we?

But if we are going to reflag the Kuwaiti ships, how are we going to go about that? And I think that is what you are here today for. And I want to go through some questions that I have about that in carrying out what I think are perfectly laudable objectives.

One, and it has been brought up time and time again, and I ask you again, I hope that we are pursuing with our Gulf State allies, some possibility to have access and to look at the help in providing air cover.

I just think that that is a must. Are we pursuing that? And is that not a legitimate idea that we should pursue if we are going to reflag those Kuwaiti ships?

Mr. ARMITAGE. We are pursuing the full range with our gulf friends, Senator.

Senator QUAYLE. And that includes some sort of access and some availability to provide air cover?

Mr. ARMITAGE. Not necessarily, but I would be pleased to go into it in detail in closed session.

Senator QUAYLE. OK. Well, I would hope that you would be able to at some time go further publicly. I understand all the diplomatic nuances and things.

But I can tell that this is a question, a legitimate question that the Congress has and a legitimate question that the American people have.

If we are going to help Kuwait, friendly Arab country if we put it in that camp, that there ought to be some reciprocity. There really should be. And I do not think that that is anything extraordinary that we ask.

The second question I have is how we are going to go about this escort. I understand that the British have two Kuwaiti ships with the United Kingdom flag on long term lease.

But I also understand that they did not actually marry up their naval vessels with the tankers. They did it from a detached viewpoint. I understand that we are actually going to go along with the tankers. Am I mistaken?

Mr. ARMITAGE. That is correct.

Senator QUAYLE. That we are going to be right there. Why are we saying that this way is better than what the British did? Because there is two different ways that you have on making this escort.

Obviously an attack on that tanker with our flag would be an attack upon us. But what we are doing is not putting some military assets at the right target, which may in fact, I presume from their viewpoint, would be less of a target.

Now we obviously thought this through. Why did we decide to go this route rather than what the British had done?

Mr. ARMITAGE. Having made the decision to protest reflagged Kuwaiti tankers, Senator Quayle, we definitely wanted to do it right.

It was a decision after much agonizing thought, particularly the JCS, and the best way to make sure we could have the highest degree of assurance and protection for the reflagged tankers with the lowest degree of risk for our servicemen, that this was the way to do it, and we felt this would keep them out of harm's way.

It is an interesting fact that the Iranians have not yet hit a commercial ship closer than 5,000 yards from any military ship, and that was a one-time affair. It happened to be a British ship that was within 5,000 yards of a civilian ship.

And we felt that this is the best way to keep from being fired on.

Senator QUAYLE. Could you tell me why the British felt the other way was better?

Mr. ARMACOST. I suspect, Senator Quayle, it is a function of the larger number of commercial vessels that are in the gulf, and the smaller number of military vessels.

Senator QUAYLE. Larger number of commercial vessels?

Mr. ARMACOST. They have a much larger number of British-flag vessels that are plying their trade in the gulf, and a much smaller, more or less permanent military presence to provide protection. So it is a question of capabilities.

Senator QUAYLE. It is my understanding that there are a number of mines that are in the gulf, and particularly up in the northern part. If we get hit by one of those mines, do we know who put the mines there?

Mr. ARMITAGE. Well, if we got hit by a mine, we would not necessarily know. But the mines that we have seen——

Senator QUAYLE. We would not know.

Mr. ARMITAGE. We would not necessarily know.

Senator QUAYLE. Do we have any minesweepers that are going to go up in there?

Mr. ARMITAGE. No; we do not.

Senator QUAYLE. We do not.

Mr. ARMITAGE. Not at present.

Senator QUAYLE. Not at present.

Mr. ARMITAGE. No, sir.

Senator QUAYLE. Could we?

Mr. ARMITAGE. This is a question that has been looked at. I was just trying to answer that the mines that have thus far been seen, they have been few, have been floating mines that have broken loose of their moorings.

We have not seen any attempt to seed. If we did see an attempt to seed, then we would have to reconsider.

Senator QUAYLE. How would you calculate or categorize the risks of hitting a mine?

Mr. ARMITAGE. I can tell you what the Chairman of the Joint Chiefs told me in answer to the question. He said, it was very small, because we do not feel that they are there yet. If they are there, then obviously we would have to reconsider how we were going to go about transiting the gulf.

Senator QUAYLE. One other question, can you give us a—and maybe the Admiral can answer this because it goes along with Senator McCain's question—what degree of confidence are we going to have in our ships being able to defend themselves against a potential Silkworm missile?

Admiral AILES. Here in open hearing, I would say we have looked at the problem carefully. We certainly do not take the threat lightly. It is quite serious.

On the other hand, we think the vessels, the combatant ships that we are employing up there and the mode that we will operate with them provides a reasonable degree of protection with several opportunities to engage the Silkworm missile before it would in fact impact on our ships, or the ships we are escorting, and that we think that is an adequate defense.

I am prepared in closed session to go through some specific quantification of that threat. I will not do it here, but I certainly cannot say it is with zero risk. In any combat, there is risk.

Senator QUAYLE. I know there is no zero risk, but I just wondered. We ought to really sort of lay it on the line, not that there is not zero risk, everybody knows that, but what kind of confidence do we have.

Mr. Armitage, did you want to comment?

Mr. ARMITAGE. Yes, I would say that——

Chairman NUNN. Senator Quayle, we will have to——

Mr. ARMITAGE [continuing]. Senator Warner's staff and others have been actively pursuing this with the Navy, getting right down to parameters such as probability of kill, and quantitative things, but I will tell you how I understand it.

We have got a very high degree of ability to protect ourselves. The reason I dare say that in any open session is, the Silkworm missile is like a STYX missile, and we can defeat, and have defeated, the STYX missile with the weapons systems that are on board. It is not the same, but it is almost the same as the STYX missile.

The protection of a protected ship is somewhat more difficult, and it depends in some degree on proximity and things of that nature, but I will let the experts give you expert answers.

Chairman NUNN. Thank you, Senator Quayle.

Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

I would like to press an issue which others have mentioned that has to do with whether or not Kuwait will let us base our fighter aircraft on their territory in order that we can provide some air cover for our ships.

Now you say you want to talk about that in closed session, but frankly I do not think the American people are going to buy you going into closed session in areas where you are weak, and the justification is slim, but to talk in public where you think you can make out a defense. It has got to be a lot better than that.

Kuwait is asking us to reflag their ships. It is a fig leaf. We are very deeply involved in that reflagging. This is not some private transaction between two owners. This is our Government coordinating and being deeply involved in the reflagging of some Kuwaiti ships. That is all being done in public.

Our boys are going to be out there very much in public taking some risks, if you have your way, to protect those ships. Now there has got to be some public assurance as to what the Kuwaitis will do relative to helping us provide some air cover.

My question is: Will they let us base our fighter aircraft on their territory? That is my question.

Mr. ARMITAGE. The specific answer to your question is that we will not ask them because to have our fighters that close to the threat and that close to combat and that far away from the majority of the escorting would do us no good, Senator.

Senator LEVIN. All right. So we decided it is not in our interests?

Mr. ARMITAGE. That is correct. However, we have also talked to them about their aircraft doing what they can, and their limited ships doing what they can in the northern gulf, themselves.

Senator LEVIN. Now why did you not give this answer before this afternoon when you were asked about the air cover in Kuwait?

Mr. ARMITAGE. I did not realize I was being asked about Kuwait, specifically. I thought I was being asked more generally, sir.

Senator LEVIN. What about the Saudis? Will they allow us to base our fighter aircraft on their territory in order to help us provide some air cover?

Mr. ARMITAGE. I will get into that in closed session, Senator.

Senator LEVIN. Why is that in closed session?

Mr. ARMITAGE. We have had a lot of sensitive discussions with the Saudis. We have also had some recent real blows that increase the sensitivity of the Saudis. For instance, the withdrawal of the Maverick sale. There are a lot of sensitive issues, and they are sensitive diplomatically.

Senator LEVIN. Well, they are sensitive issues with all these countries. They are sensitive issues with the Kuwaitis.

Mr. ARMITAGE. But they are more and less sensitive depending on the time and the degree of discussion. I am not saying we are not going to answer you. Of course we have to answer you, and we will.

DETAILS OF REFLAGGING

Senator LEVIN. Back to the reflagging. Is it possible—as I understand it, a U.S. corporation has to own those ships. Is that correct?

Mr. ARMITAGE. That is correct.

Mr. ARMACOST. That is correct.

Senator LEVIN. Can that U.S. corporation in turn be owned by a parent corporation which is not predominantly the United States?

Mr. ARMACOST. I believe the answer, Senator, is the company has to have a majority of American board members.

Senator LEVIN. I am talking about a parent company. My question is——

Mr. ARMACOST. I believe——

Senator LEVIN. My question is, can the corporation which owns the reflagged ships in turn be owned by a parent company which does not have to be the United States predominantly? That is my question.

Mr. ARMACOST. I do not believe it can, and I believe it is not. It is the Chesapeake Shipping Company.

Senator LEVIN. So you are assuring us that the parent company will also be U.S.-owned? That is what you are assuring me?

Mr. ARMACOST. I believe that is the requirement of any reflagging. And of course 50 ships have been reflagged since 1981.

Senator LEVIN. Now in the view of the State Department, is Kuwait neutral? I know you consider her a nonbelligerent, which she is, but do you consider her a neutral?

Mr. **Armacost**. We consider it neutral in any formal sense. They are obviously in a very difficult position, living as they do in close proximity——

Senator **Levin**. Just give me short answers. You consider Kuwait a neutral?

Mr. **Armacost**. We consider them formally neutral in the war, yes.

Senator **Levin**. How about perceived, de facto? Do you consider her a de facto neutral?

Mr. **Armacost**. Like all of the other gulf countries, they have provided subventions to Iraq, and there is no doubt where their sympathies lie. They do not wish to see an Iranian victory in this war.

Senator **Levin**. So that de facto she is sided with Iraq?

Mr. **Armacost**. They are not providing arms, I believe, but otherwise their sympathies are clear.

Senator **Levin**. And how about their support, their financial assistance, and transfer of property through Kuwait?

Mr. **Armacost**. As I said, they have provided financial subventions to Iraq, as have other gulf countries.

Senator **Levin**. Could you give me a short answer? Are they not de facto perceived as an ally of Iraq?

Mr. **Armacost**. Well, unless an ally means making a military contribution on its behalf.

Senator **Levin**. Just give me your perception. Do you perceive them de facto as an ally of Iraq?

Mr. **Armacost**. Well, again, a very strong supporter. They are not making a military contribution as an ally. They are not engaging themselves in combat out of a sense of a security commitment.

Senator **Levin**. Can you tell me either yes, or no, whether you perceive them as a de factor ally of Iraq?

Mr. **Armacost**. No.

Senator **Levin**. No, you cannot?

Mr. **Armacost**. Not as a military ally, no, I do not.

Senator **Levin**. I did not use the word military. I am just asking you as a person knowledgeable in diplomatic usage, do you not consider Kuwait a de facto ally of Iraq?

Mr. **Armacost**. Well, I have tried to use some other phrases.

Senator **Levin**. You will not answer that question, obviously.

UNITED STATES TILT TOWARD IRAQ

Do you think it is reasonable that if we support Kuwait, which we are doing by reflagging her vessels, that we will be perceived as de facto tilting toward Iraq in this conflict?

Mr. **Armacost**. Well, I think some would already regard us as slightly tilting in that direction, because we have for some years made a conscious effort to try and prevent arms from being sold to Iran. But we have not ourselves, with this one aberration of which we are all aware, engaged in arms sales between the parties.

Senator **Levin**. My question is, do you believe that we will be perceived by a significant part of the world, indeed of the Western World, as tilting toward Iraq if we reflag the Kuwait ships?

Mr. **Armacost**. I do not know that it will be any more than now, but probably a lot would perceive us as such.

Senator **Levin**. You are saying that you do not believe that a larger part of the Western World will perceive us as tilting more toward Iraq than we are now if we reflag these Kuwaiti ships?

Mr. **Armacost**. I think the world understands that only Iran has a chance to win. That is not in our interest. Although we have not sold arms to Iraq, we have sought to prevent arms from being sold to Iran precisely because we wished the weight of our effort to go in the direction that prevents that victory, and this represents another expression of that. But I do not think it changes the consciousness about where we stand.

Senator **Levin**. Can you answer my question, though, about tilting toward Iraq? Will we be perceived as tilting more toward Iraq if we go through with this reflagging than we are now?

GULF STATES AND THE USSR

Mr. **Armacost**. Perhaps, but I am not sure it changes the basic consciousness of where we stand.

Senator **Levin**. All right. Are the Gulf States leary of Soviet influence in the gulf?

Mr. **Armacost**. Generally, yes. The Kuwaitis, I suppose among all the gulf countries, have been somewhat more even-handed. As a small country, they have sought through a diversification of their dependence to find some safety. So they, longer than other countries in the region, have had diplomatic relations with the Soviets.

Senator **Levin**. Except for that one caveat, the other Gulf States are very leary of Soviet influence in the gulf?

Mr. **Armacost**. Yes.

Senator **Levin**. Thank you. My time is up.

Chairman **Nunn**. Thank you, Senator Levin.

Senator Symms.

Senator **Symms**. Thank you very much, Mr. Chairman.

Just to pursue those questions, gentlemen, the line of questions Senator Levin was asking, and with a reference to what Senator Glenn had said earlier, just for my edification I just want to quickly ask you three yes or no questions.

What percentage of U.S. oil is coming through the gulf?

Mr. **Armacost**. About 6 percent.

Senator **Symms**. And how much of the oil carried by the Kuwaiti tankers to be U.S.-flagged will come to the United States, raw crude or refined products?

Mr. **Armacost**. Virtually none, I am told; but let us check that.

[The information follows:]

There are no plans at this time for any of the Kuwaiti tankers to be U.S. flagged to carry either crude or products to the U.S. The current planned destinations are Japan and Western Europe.

Senator **Symms**. Well, if little or none of the oil by these 11 tankers will be consumed by the United States, and yet we will have the burden of protecting them, then I want to go back to what Senator Glenn said.

Is it not the case that what we really fear over there is having the Soviets and the Ayatollah get on the west side of the Persian Gulf, eventually?

Mr. **Armacost**. Yes.

Senator **Symms**. That is our real mission there.

Mr. **Armacost**. That is a real concern, yes.

Senator **Symms**. If we fear that Soviet presence, and as you said to Senator Levin except for the one caveat of Kuwait asking for some Soviet escorts, the rest of the states on the west side of the gulf evidently are not happy with the Soviet presence. Is that correct?

Mr. **Armacost**. That is correct.

Senator **Symms**. What about our allies? Do not our allies in Western Europe and Japan have as much at stake in keeping the Soviets from filling the vacuum in the gulf as anyone?

Mr. **Armacost**. I think that is true, although there is a tendency on the part of countries like that to expect the United States as a Super Power to play the principal role in countering Soviet encroachments of a geopolitical kind.

Senator **Symms**. But we do believe there is the threat of the Ayatollah, plus Soviet hegemony that could come in the future to gain control, or a real major foothold control of the gulf. Is that the real issue? Do you agree with that, Mr. Armitage?

Mr. **Armitage**. Yes, I do, Senator.

Senator **Symms**. Admiral.

Admiral **Ailes**. I do not have a statement, sir.

Senator **Symms**. Thank you very much.

Thank you, Mr. Chairman.

Chairman **Nunn**. Thank you, Senator Symms.

Senator **Dixon**. Let me announce, if you would yield just a moment, that Mr. Armitage has a very important engagement and he is going to have to leave at 5 o'clock. I must say that I concur in his request. I think it is very important. His daughter is graduating from high school, and I put that at a very high level of priority.

I would suggest that what we do is, after this last questioning on the open round, that because Mr. Armitage has a number of questions he could not answer in the open session, that we go to a closed session before we begin any other round, because once we start round two we are going to use all the time.

So it would be my intention after Senator Dixon completes his questioning, unless a Senator has a compelling—and I use that world with a great deal of emphasis—question to ask in open session, we will go to closed session at the conclusion of Senator Dixon's questioning.

Mr. **Armitage**. Thank you, Mr. Chairman.

Senator **Dixon**. Thank you, Mr. Chairman.

Mr. Secretary, and gentlemen, as you know H.R. 2533 which we each have here in front of us, and the resolutions we have considered here in the Senate, all discuss the question of the administration making several points clear to us.

One clearly is that there is adequate security for our forces there in the Persian Gulf. We have discussed that I think from time to time, and with almost all the questions today. Now is it my understanding of what you have told us, Admiral, that essentially what we have there is what we had there at the time of the *Stark* attack, plus three new vessels that are coming in with antiair capability?

Admiral AILES. That is correct, sir.

Admiral DIXON. So that you have not assured us that there will be a battleship there. That is under consideration. But we are not able, yet, to promise the American people that our young people there will be protected by a battleship. We have not made that kind of a decision?

Admiral AILES. We have not, sir.

Senator DIXON. And notwithstanding that everyone in this room, and I presume you folks would agree, that is the hottest spot in the world right now? There is no dispute, is there, about that? Notwithstanding that, we are not going to have an Aegis class ships in there at this point. There are Aegis class ships at other places, but they will not be there in the gulf?

Mr. ARMITAGE. I will get into the Aegis class in closed session, sir.

Senator DIXON. I thought it was the answer the Admiral earlier gave that they will not be there.

Mr. ARMITAGE. They are not on the way there now, and they are not under consideration now, but I will give you the full range of the discussion surrounding the Aegis in closed session.

Senator DIXON. And I think it is a fair evaluation of what you have said—and while I appreciate the fact that each time you have said we will discuss it in secret, I get the impression we do not at this point in time have any commitment regarding air cover anywhere there in the gulf?

Mr. ARMITAGE. I will get into it in closed session.

Senator DIXON. How long does it take our aircraft from the carrier outside the gulf to get to a point of engagement inside the gulf, let us say in the general area where the Stark was attacked, or somewhere there?

Mr. ARMITAGE. Probably an hour or two.

Senator DIXON. On the basis of what you have told us, at least at this point in time, and that could be changed, I would concede, Mr. Secretary, in secret discussions later, are you able to represent to us that you think we are there in adequate force so that we can afford security for our people there?

Mr. ARMITAGE. I can represent to you, sir, exactly what the Chairman I think tried to represent to you, that we think we can minimize the risk and we have adequate force to do the job. It is a two-edged thing. We want to do the job correctly, and we want to minimize the risk to ourselves.

Senator DIXON. Well, I just want to make this observation. We go back home and we talk to our people. You are talking to the most friendly and supportive committee in the Congress when you are here. I want to remind you of that. When we go back home, they remind us of Beirut and 1,600 marines with orders not to shoot.

They remind us of the attempt to save the hostages when they did not have enough helicopters. Now I want you to know, I want to support what you are doing there, but I want us to be there in force. I want us to be there with the kind of adequate equipment to protect our people there.

I want, besides the United States flag, the United States force. That is what every one of these people on this committee wants.

Senator SYMMS. Amen!

Senator DIXON. That is the first thing I want to say.

The second thing I want to say is, in this bill and in this resolution we talk about the rules of engagement. I am absolutely shocked, may I say, by the last hearing we had here when the General and the Admiral told us that they did not regard this as a war zone because we are not at war there, so that the rules of engagement are not the rules of engagement a captain would be protected by in a situation in a war zone.

Now that really, really concerns me. From a subjective standpoint, I think it is about the same thing as sending a policeman down a dark alley and saying, now do not shoot until that guy points the 45 at your head and begins to pull the trigger.

I mean, I think we have got to have rules of engagement there that protect our people. What are you going to do about that?

Mr. ARMITAGE. We feel that the rules of engagement do indeed protect our people. You are assuming that we have not thought about this, I think, and that we are not taking prudent precautions. The fact that we do not consider it a war zone is one thing. That does not in any way, shape, or form mean that we do not consider it a threat zone, or that we might not encounter a threat.

I might also add, and I accept, you hear, when you go back to your constituents, an awful lot about our failures. I am a representative of the Department of Defense, and I hear it 15 times. We want a success, too.

Senator DIXON. See, I am not arguing with you about the fact that we are not technically in a state of war there, but we are in a zone where over 300 ships have been attacked. We are in a zone where two nations have been at war for 7 years, and almost a million people have been killed. They have used chemical warfare, and you send our people there and give them all kinds of subjective rules of engagement that I think are impossible to protect Americans in that area.

Now that is the position of this Senator.

Mr. ARMITAGE. I accept that that is your position, Senator.

Senator DIXON. Well, are you going to try to do something about those rules of engagement that permits a more objective type of use of the judgment of the captains there?

Mr. ARMITAGE. Well, we have had unbelievably intense discussions. When I say "we," the Secretary of Defense, the Chairman, and our Central Command Commander General Crist. We have worked these things inside and out, and it is their feeling that these are sufficient. These are sufficient to protect our soldiers and sailors and airmen and to allow them to do the job.

That is what they are paid for, to make those judgments, and I am representing to you that they have made that judgment.

Senator DIXON. I would just like to say, in conclusion, that I would hope that on the basis of the experience we have had that the bottom line in the future, at the very least, is we turn the stern and use the Chaff and use the Vulcan Phalanx, and the other defensive systems that we have.

Admiral AILES. I assure you, Mr. Senator, that we have taken the lessons very, very seriously and concur with your feelings on that matter.

Chairman NUNN. At this stage we will conclude our open hearing, and we will go to room 232, which is around the hall, and that will give our people with the cameras a chance to clear their equipment to. Otherwise, we would be held up. So we will adjourn and go to room 232 for the closed hearing.

[Whereupon, at 4:15 p.m., the committee recessed, to reconvene immediately in closed session in room 232, this same day.]

EXECUTIVE SESSION

The committee was convened in executive session, pursuant to recess, at 4:20 p.m., in room SR-232A, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Exon, Dixon, Glenn, Shelby, Warner, Quayle, Wilson, and Symms.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Romie L. Brownlee, deputy staff director; Jeffrey H. Smith, general counsel; Andrew S. Effron, counsel; Robert G. Bell; Judith A. Freedman; Ronald P. Kelly; and Gordon G. Riggle, professional staff members; Colleen M. Getz, research assistant; Lucia M. Chavez, staff assistant.

Also present: Jeffrey B. Subko, assistant to Senator Exon; William J. Lynn, assistant to Senator Kennedy; Edward M. McGaffigan, Jr., assistant to Senator Bingaman; Charles C. Smith, assistant to Senator Dixon; Milton D. Beach and Patricia J. Buckheit, assistants to Senator Glenn; Terrence Lynch, assistant to Senator Shelby; William J. Wight, assistant to Senator Warner; Mark J. Albrecht, assistant to Senator Wilson; Samuel J. Routson, assistant to Senator Symms; and Patrick A. Putignano, assistant to Senator McCain; Tom Carter; assistant to Senator Dole; and Dick D'Amato, assistant to Senator Byrd.

Chairman NUNN. Let us come to order.

Please make your presentation, and we will have questions in the same order we did before with the same time limitations.

Mr. ARMITAGE. I will make a brief presentation, Mr. Chairman, to point out what we can do. We have agreement with the Saudis to have those. I want to emphasize that for me the sensitivity of this. [Deleted.] That is going to be serious to them because we have asked them to help us out, and with the Maverick sale and the decision of the administration to pull it back, what was described to us, I do not know how it is going to play.

I would hope the Saudis would get over it and will come forward with us, but when we had our discussions with the Minister of Defense and Aviation, he asked us rhetorically, the Congress wants us to do certain things, and yet when we ask for something we cannot get it.

I realize that is a chicken-and-egg argument, and you can pick one side or the other, but there is some merit to that statement on behalf of the Saudis.

Chairman **Nunn**. What you are saying is, it is important that this information not go out of this room.

Mr. **Armitage**. Well, it is starting to leak out, but no one has authenticated it yet, and we would appreciate it if no one would. I do not know, as I say, how the agreement we have gotten with the Saudis might be affected by the Maverick.

Chairman **Nunn**. So you are saying, even if the news media already knows it, we should not confirm it.

Mr. **Armitage**. I would ask you to respect that, sir.

Senator **Glenn**. Has the staff verified that everybody in here is cleared?

Mr. **Punaro**. Sir, we can verify for the legislative branch employees that everybody has a top secret clearance. Commander Meisner will verify for the Department of Defense and State—he indicates to me that all executive branch people have top secret clearance. I am relying on the Department of Defense for that verification.

Chairman **Nunn**. Let us go ahead.

Mr. **Armitage**. I am not going to glaze your eyes with details, Senators, but I am going to lay this out pretty quickly.

[Deleted.]

We will escort them down this line (indicating). It is approximately a 760 to 780 mile journey, 2 days, 48 hours.

This red line, which I also saw represented on Senator Kennedy's map, is the Iranian exclusion zone. This yellow line is the Iraqi exclusion zone, or "war zone" as they call it.

This black line is what has been described by the Saudis as the "Fahad line." It was designated in 1984, and any Iranian aircraft which come over the Fahad line cause a scramble from the STRIP alert aircraft, the Saudi aircraft at Dahran. You will notice where the Fahad line is.

[Deleted.]

[Deleted.] It does not view airborne targets, but it is pretty good at viewing waterborne targets, [deleted].

We have additional agreements from the Saudis, [deleted]. The Saudis have made the Jubayl Naval Base Hospital open to us, and their facilities open to us; as well, they are instructing their national guard, their civil defense, and their aviation SAR helicopters to work with us right now so they can be in a position, should a problem develop.

[Deleted.]

Chairman **Nunn**. Senator Warner, you go ahead.

Senator **Warner**. Mr. Secretary, now that you have your eyes up there, what are you going to bring in when you spot something? How are you going to handle it?

Mr. **Armitage**. It is our view that we are going to take out the aircraft with the ships; and that the warning that the AWACS give us—and I have tried to represent the vision it gives us—will be sufficient to warn our ship. The point being, they have their onboard radar, sir. They have standard missiles with a 30-mile range. They have got the Phalanx——

Senator **Warner**. So they will—to the extent we know about the *Stark*—watch that flight pattern, be given the [deleted] out of those facts, and then the rules of engagement take over depending on the type of flight pattern that is flown?

Mr. **Armitage**. That is correct. [Deleted.]

Senator **Warner**. So under the new rules, the *Stark* had the right to shoot down this plane?

Mr. **Armitage**. Under the old rules, the *Stark* had the right to shoot down that plane.

Senator **Warner**. So we are keeping it basically the same, under the same rules.

Mr. **Armitage**. He had the right. He did not do it because he was not expecting an attack from that quarter.

Senator **Warner**. Now does the AWACS have any capability to detect the sea-skimming missiles at all?

Mr. **Armitage**. [Deleted.]

Senator **Warner**. [Deleted.]

Mr. **Armitage**. Yes, sir.

Senator **Warner**. [Deleted.]

Mr. **Armitage**. Yes, I think I——

Senator **Warner**. Well, I think I know it by heart, anyway.

Mr. **Armitage**. I am sure you do. I did not want to mislead you.

Admiral **Ailes**. We think the systems on the ship—Senator Warner, beyond the CIWS, beyond the Phalanx—you have the standard missile system.

Senator **Warner**. I know the standard.

Admiral **Ailes**. We will have capability against the——

Senator **Warner**. The key words are "have capability," but you really are testing the [deleted] that you have got there if they are coming up off those cliffs and down on you.

Admiral **Ailes**. But the missile, you have got to realize, is larger and flies higher than Exocet, so the problem is quite a bit different. [Deleted.]

Senator **Warner**. What if they have missile sites which, say, have maybe 80 or 90 or 100 degrees difference aft?

Admiral **Ailes**. [Deleted.]

Senator **Warner**. [Deleted.]

Mr. **Armitage**. It is our intention, sir, to continue to evaluate.

Senator **Warner**. That is the point I mean. [Deleted.]

Mr. **Armitage**. If they fire at the same time, it would be confusing for one ship——

Admiral **Ailes**. But let me make a point here that is important. [Deleted.]

Senator **Warner**. So we would have one shoot-out, and then fall back and regroup, so to speak?

Admiral **Ailes**. No, sir. I am saying if our intelligence, our early warning, shows us changes in the threat, we will reevaluate our situation.

Senator **Warner**. [Deleted.]

Admiral **Ailes**. Sir, [deleted].

Senator **Warner**. To some extent.

Admiral **Ailes**. Yes, sir.

Senator **Warner**. But now they might be up in the upper end of the gulf. [Deleted.]

Mr. **Armitage**. I can't see any farther. It is just through the strait.

Senator **Warner**. That is what I thought. All right.

Admiral **Ailes**. [Deleted.]

They may augment their survillance with their LAMPS helicopters. Those LAMPS helicopters have radars, and can go out and assist them in looking for them. Again, if our warning systems, our indications, [deleted] or something of that sort, they would then respond by going to use of their LAMPS helicopters.

Senator WARNER. The last question, Mr. Chairman.

What about land-based air, either in Saudi Arabia, or UAE, or in Oman, to supplement whatever carrier air we have?

Mr. ARMITAGE. [Deleted.]

Senator WARNER. We have made the effort to get it, though?

Mr. ARMITAGE. [Deleted.]

Senator WARNER. I have taken my fair share of the time.

Chairman NUNN. Senator Exon.

Senator EXON. [Deleted].

Mr. ARMITAGE. No. [Deleted.] We think your Navy can take care of the threat.

And I do not think—and I will defer to Chairman Crowe—that he argued with that statement.

Senator EXON. What missiles or aircraft are presently operating in the area that could fly a very low approach to our aircraft that could not be detected by the AWACS? Do they have any?

Mr. ARMITAGE. [Deleted.]

Senator EXON. Would they be picked up on the AWACS?

Admiral AILES. [Deleted.]

Senator EXON. Well, we certainly have had the AWACS around an awful long time, have we not? Do we not know? Can you not tell me——

Admiral AILES. [Deleted.] I should have said that at the outset, sir.

Senator EXON. What about the missiles? [Deleted.]

Admiral AILES. [Deleted.]

Senator EXON. I think there is a general feeling here that it will be a sneak attack, a terrorist type of attack, something like that out of the ordinary. [Deleted] and then maybe we could be alert to defend. I worry very much about a terrorist attack. What about fast boats? [Deleted.]

Admiral AILES. [Deleted.]

Senator EXON. Could the Silkworm be launched from a boat?

Admiral AILES. No, sir.

Senator EXON. It cannot be?

Admiral AILES. No, sir, it cannot.

Senator EXON. Even in close?

Admiral AILES. No, sir. The Iranians do not have that capability. The Soviet Union does, but the Iranians do not, nor do we see any indication that they are developing that capability.

Senator EXON. They could use Exoct, but that——

Admiral AILES. They do not have the Exocet.

Senator EXON. They do not have any Exocets?

Admiral AILES. No, sir, they do not.

Senator EXON. Have you looked at any other possible terrorist type activities?

Admiral AILES. We have looked at the threat in its entirety, I assure you, sir, including the potential that the Iranians could take one of their high-performance aircraft [deleted].

Mr. ARMITAGE. [Deleted.]

Senator EXON. Now explain a little further, if you could, Admiral, whether there has been any change in planning.

[Deleted.]

Admiral AILES. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator GLENN. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator GLENN. [Deleted.]

Mr. ARMITAGE. I would not want to say we depended on it.

Senator GLENN. [Deleted.]

Senator EXON. My time is up, Mr. Chairman. Thank you.

Chairman NUNN. Senator Wilson, I think, is next.

Senator WILSON. Thank you, Mr. Chairman.

Let us pursue the point that was just being made. [Deleted.]

Admiral AILES. [Deleted.]

We continue to review the decision of the adequacy of our forces, the tactics, et cetera.

Senator WILSON. [Deleted.]

Admiral AILES. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WILSON. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WILSON. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WILSON. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WILSON. [Deleted.]

Admiral AILES. [Deleted.]

The ships' guns, which have a lesser capability.

Senator WILSON. For the Iranian aircraft. [Deleted.]

Mr. ARMITAGE. No, we are not assuming that at all. [Deleted.] I might also say—I do not believe the Senator is here, talking about the Iraqis and what we are doing to try to encourage them to be more responsible—they do have rights as a belligerent to attack belligerent shipping, but we do not feel those rights should extend to capabilities which allow them to attack shipping all up and down the gulf at whim.

[Deleted.] But we are not going to rest on hope.

Senator WILSON. [Deleted.]

Mr. ARMITAGE. There has been, to Iraq. They understand this very clearly. [Deleted.]

Senator WARNER. Excuse me. On that point, the other day when the Chiefs were up here, I stressed that they should have parallel procedures with the Iranians, if you are thinking about the safety of U.S. sailors in an accidental situation comparable to what we experienced with the *Stark*. [Deleted.]

COST SHARING

Mr. ARMITAGE. I take your point. I have got to say, in our thinking this far, our argument is that we have not considered that the Iranians coming that way would be accidental. I understand what you are saying.

Senator **Wilson**. This is a question to Secretary Armacost. In the Venice Summit, what approach was made in terms of the cost-sharing benefit, from an economic standpoint? Our allies are certainly getting the benefit, but what cost are they paying?

Mr. **Armacost**. Senator, it is hard for me to report on exactly what was said in Venice when all of it was over there. They do not spend a lot of time reporting back to us—it kind of dribbles back to us—but we sent letters to all of the Foreign Ministers of those countries beforehand.

[Deleted.]

We asked some other countries like the Italians, and the Dutch, and the Germans to consider occasional deployments to the gulf. And we had a general response that we were getting even before the meeting, that they would consider that if the threat appeared to rise.

But with all of these countries, we asked for a more energetic effort in the U.N. We asked for cooperation on "Operation Staunch." In some cases, where they have a relationship with Iran, we asked them to weigh in on behalf of restraint and warning of the consequences of imprudent or provocative action.

In the case of the Japanese, we mentioned also the need for increased economic contributions to countries in the gulf. I talked to the Japanese Ambassador sometime before the Summit—this goes back about 10 days—and did raise in a gentle opening round the question of possibly sharing some of the costs, without being too specific about how one would arrange a cost-sharing arrangement, because we did not even know at that point what additional costs we would incur, because we were still working on the operational concept.

Basically it is difficult to get them to come up with contributions to our naval force in the region, because we are protecting American ships. We are not protecting the flagged vessels of other countries. The French and the British take responsibility for their own vessels.

Senator **Wilson**. We are protecting oil that they are going to use.

Mr. **Armacost**. Well, that is true, but by and large the risks at this point, I think in their judgment do not warrant increased expenditures. They look at the overall scheme of things, the number of attacks, and the impact on prices, and they have not come to a conclusion that the dangers warrant an increased contribution at this point.

So the most response we got has frankly been on the diplomatic side. We have made some opening moves with the Japanese with respect to the economics, and they have presented an open mind on that, but they have not made any commitment at this point.

Senator **Wilson**. Mr. Chairman, when you a couple of years back presented an amendment to the authorization bill that would draw down our NATO strength, at the time I thought that was the best of all worlds that had occurred, because it lost narrowly and sent a message that there was widespread dissatisfaction. But I really think a very strong message needs to be sent to the Japanese. I get tired of hearing that the Germans and the Japanese cannot do anything in this arena because their constitutions prohibit it. There is nothing in their constitutions that prevents them from making an economic contribution.

Mr. ARMACOST. I think that is right.

TERRORIST THREAT

Senator WILSON. So, Mr. Chairman, I would ask, was anything developed earlier with respect to terrorism, or the threat of terrorism being the constraint on the degree of cooperation as the communiques indicate was manifest in Venice?

Chairman NUNN. I do not think that came up, Senator Wilson. I will permit the witnesses to answer that question, if you would like to pose it, but your time has expired and we need to move on to Senator Glenn. We have just got 10 or 15 more minutes.

Mr. ARMITAGE. This is important. I will make it to my daughter's graduation, sir.

Chairman NUNN. Do you want to answer that question?

Mr. ARMITAGE. I do not know the answer. We have not gotten the report from Venice. I would take it for the record and provide it.

Mr. ARMACOST. I believe the only real development which I am aware of recently in the field of cooperation on terrorism has been the convening of a meeting of Interior Ministers on the subject. That gives us yet another venue in which to talk with the Summit partners about cooperation in this field. It is not new, because we have had to go to those people anyway, since in Europe the terrorist problem was an internal problem that fell within the jurisdiction of those ministers. But it does give us yet an additional way of getting into European governments and pressing home our concerns on the terrorist issue.

Senator WILSON. Thank you, Mr. Chairman.

Chairman NUNN. Thank you, Senator Wilson.

Senator Glenn.

Senator GLENN. Thank you, Mr. Chairman.

Essentially we have three missions to perform over there. One, we want to have enough force to deter.

No. 2, we want an adequate defense if they do attack.

And we know that no defense is perfect. You can put 14 *Starks* out there side by side and occasionally a radar is going to be down, a fire control system, a ship's officer will make a wrong decision and will not call for warnings early enough, or whatever, and there are going to be—so you do not win anything just on defense.

[Deleted.]

What I am building up to is what I said in the other room. It just seems to me that the battleship, if we could design a weapons system tailor-made for the gulf, is what is needed. There is nothing they have that can damage or sink it. It is very impressive, it would show our resolve, it has the firepower. We could deploy it off Kharg Island and it would convey the message that their economic lifeline could disappear.

So I make that as a statement more than a questicn.

Mr. ARMITAGE. Well, I can answer it in this session. [Deleted.]

Senator GLENN. [Deleted.]

Mr. ARMITAGE. Pardon me.

Senator **Glenn**. [Deleted.]

Mr. **Armitage**. [Deleted.]

Senator **Glenn**. [Deleted.] That is one of its big advantages. They cannot be hurt, and it will not risk American pilots being shot down by our own HAWK missiles.

You may get some people hurt on it if the ship is hit, but it is not going to sink. A battleship is an ideal platform. [Deleted.]

Admiral **Ailes**. Yes, sir, it will.

Senator **Glenn**. [Deleted.]

Admiral **Ailes**. No, sir. [Deleted.]

Senator **Glenn**. That is good. [Deleted.]

Admiral **Ailes**. [Deleted.]

Mr. **Armitage**. I met with the Secretary of the Navy yesterday on that very subject. Jim Webb is pushing this very strongly.

Senator **Glenn**. One other comment, and one final question.

Senator Wilson asked about the number of airplanes.

[Deleted.]

Mr. **Armitage**. I just provided to Senator Wilson my figures, sir.

Senator **Glenn**. One other question. There was one news report, and I am not sure whether this was correct or not, but it tracked through ownership of the tankers, and it said the Kuwaitis own the tankers now. They are going to reflag. An American company is going to own them.

That company, in turn, is owned mainly by a Houston company that in turn is owned mainly by the Kuwaitis. So what they have done is the Kuwaitis have gone Kuwaiti-to-Kuwaiti ownership, basically, and picked up an American flag in the process.

Is that correct?

Mr. **Armitage**. I am not sure. I think that the ownership has to be somewhere between 1 and 50 percent American. The rest may be Kuwaiti. The majority could be Kuwaiti. The rest may be Kuwaiti. The majority could be Kuwaiti. However, that in no way—if that is true, and we will supply it for the record—that in no ways means that that ship is not American and is not subject to our mobilization and things of that nature.

Senator **Glenn**. No, but that is a real sham to go Kuwaiti-to-Kuwaiti ownership and pick up an American flag in the process. Could you provide that for the record?

Mr. **Armitage**. Yes, sir.

Senator **Glenn**. Do you have any comments on that?

Mr. **Armacost**. I will have to check it, too. That was not my understanding. The requirement, as I understood it, is they have to get a majority of Americans on the board.

Senator **Glenn**. Americans on the board is beside the point. Who owns the thing? We can have an American board on there, and that does not define the ownership.

Mr. **Armitage**. We owe you an answer, sir.

Senator **Glenn**. I would like to know that, and as soon as we can. If we have just gone Kuwaiti-to-Kuwaiti and picked up a flag, that is another strange wonder.

[The information referred to follows:]

CHESAPEAKE SHIPPING CO.

Chesapeake Shipping Co. Inc. is owned by KPC Holding (Kuwait Petroleum Co.). However, the management of Chesapeake is American. The CEO and Chairman of the Board are US citizens and only one of the four members necessary to form a quorum is an alien.

Chairman NUNN. We have got a vote on. We have got four more Senators for questioning. I had promised——

Senator GLENN. I am finished.

Chairman NUNN [continuing]. The witness that he could leave by 5:15. So what I would suggest is any Senator who has questions here, I would leave it open, and at 5:15 we need to close the hearing as far as Mr. Armitage is concerned.

Mr. ARMITAGE. Thank you, Mr. Chairman.

Chairman NUNN. The next questioner will be Senator Quayle.

Senator QUAYLE. In answer to Senator Wilson's question you said that [deleted.]

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. Thus far.

Senator QUAYLE. What are you anticipating?

Mr. ARMITAGE. [Deleted.]

Admiral AILES. [Deleted.]

Mr. ARMITAGE. I am informed by the representatives of [deleted] and such as that.

Senator QUAYLE. [Deleted.] What is the vulnerability of the ships?

Admiral AILES. [Deleted.]

Senator QUAYLE. And they have how many sites?

Admiral AILES. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. [Deleted.]

Admiral AILES. [Deleted.]

Senator QUAYLE. [Deleted.]

Admiral AILES. That is right. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Admiral AILES. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. And the [deleted.]

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. But we will not be able to put any of our planes there?

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. No.

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. No.

Senator QUAYLE. You are sure about that?

Mr. ARMITAGE. I will check.

Senator DIXON. The reporter is having a little difficulty, gentlemen, following everyone talking at once.

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. That is my impression, and I will check that.

Senator QUAYLE. How many other nations besides Kuwait are going to make a request to have reflagging?

Mr. ARMITAGE. Since only Kuwait had been targeted since September, we do not anticipate other requests.

Senator QUAYLE. You do not?

Mr. ARMITAGE. No, sir, we do not. We have not seen any in the wake of the Kuwaiti request. The reason we got the request from Kuwait was because in September 1986 Kuwait was specifically targeted by Iran. Other nations have not been specifically targeted.

Senator QUAYLE. What if some other nations would be specifically targeted? Do you think we could get that request?

Mr. ARMITAGE. We could get that request.

Senator QUAYLE. What do you think our response would be?

Mr. ARMITAGE. I would like to be candid with you, it would depend on the circumstances. We would take a look at it, then.

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WARNER. If you would yield, look at the statement of Mr. Armacost. We, the United States, are not entering into an open-ended unilateral protection regime on all neutral shipping, nor do we intend to do so.

Senator QUAYLE. But the question is, they might not intend to, but what if the circumstances change and Iran decides to target some other nations, and other nations would make that request. I am asking him, what would our response be, then, and he says——

Senator WARNER. [Deleted.]

Senator QUAYLE. What?

Senator WARNER. [Deleted.]

Senator QUAYLE. Well, what is that?

Mr. ARMITAGE. [Deleted.]

Senator QUAYLE. Under similar circumstances with Kuwait, why would we not do it?

Mr. ARMITAGE. There are some other countries in the area that we do not have real congenial relationships with that we would not. Although we are not enemies, we would not——

Senator QUAYLE. We have got a list of three of them which indicates we probably would.

Senator WARNER. It is a good point.

Mr. ARMACOST. If I may add a comment, Senator Quayle, I think we would also consider whether or not, as in this case, they were seeking to elicit a result or a response from the Soviet Union, which was a very decisive consideration for us last March.

The other point is, it is my impression that the other gulf countries tend to pass on oil at the port to the customers who basically assume the risk of transporting that oil at that point, and therefore those kind of transporting arrangements would not attract them.

Senator DIXON. Senator Quayle, your time has expired.

Senator WILSON. I would yield.

Senator QUAYLE. I think that we are doing the right thing as far as making sure that we do not allow the Soviets to come in there and to basically take over the Persian Gulf, and obviously then the Kuwaitis had a lot to do with our decision.

I would hope that we would not get into a situation that every time the Soviets are involved, every time our automatic knee-jerk response is that we are going to do it. If I were the Soviet Union, I would go in there and have every nation ask us to come in for help, and then get the United States involved. I am not sure that is the kind of situation we want to set up. So I would be very careful.

Senator DIXON. Senator Shelby.

Senator SHELBY. I will try to be brief. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator SHELBY. Sure.

Mr. ARMITAGE. [Deleted.]

Senator SHELBY. [Deleted.]

Mr. ARMITAGE. That is right. I think we would be consulting with our allies to see if we could not put more pressure on them.

Senator SHELBY. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator SHELBY. You what?

Mr. ARMITAGE. [Deleted.]

Senator SHELBY. That is what we are talking about, militarily.

Mr. ARMITAGE. [Deleted.]

Senator SHELBY. Thank you.

Senator DIXON. Senator Symms.

Senator SYMMS. The question I have is, when you review back to what happened in the Falklands war, with the effectiveness of the A-4s against the British ships, how much more sophisticated are our ships than those British ships? It is my understanding that they hit several of them that the bombs just did not go off, or they would have sunk a few more.

Admiral AILES. Most of the aircraft attacks, as you say, were with live bombs. We do not see the F-4 carrying that kind of bomb.

Senator SYMMS. Well, my point is——

Admiral AILES. The other attack in the Falklands that were successful were their air-to-launch Exocet missiles, the same thing that happened to the *Stark*.

Senator SYMMS. We are not talking about that. It was iron bombs that hit those British ships, and they did not go off in a couple of instances, but they were A-4s that came right in on the water and they hit them.

Senator DIXON. But they were not compartmentalized, though, like ours, were they? The ships, I am talking about.

Senator SYMMS. Well, a couple of those bombs went right through the ship because they were so close. See, where are those aircraft based? To me, an F-4 at full burn can close in on our ships if they had some hot-shot Kamakazi pilot. There will not be a lot of time.

Admiral AILES. [Deleted.]

Senator SYMMS. [Deleted.]

Admiral AILES. [Deleted.]

Senator SYMMS. It is only about 20 miles, is it not?

Admiral AILES. [Deleted.]

Senator DIXON. Do you have what you need, Steve?

Senator SYMMS. Yes.

Senator DIXON. Ladies and gentlemen, this committee meeting is adjourned, and we thank you very much, gentlemen.

[Whereupon, at 5:07 p.m., the committee was adjourned, subject to the call of the Chair.]

U.S. MILITARY FORCES TO PROTECT "REFLAGGED" KUWAITI OIL TANKERS

TUESDAY, JUNE 16, 1987

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met in executive session, pursuant to notice, at 3:30 p.m., in room SR–222, Russell Senate Office Building, Senator Sam Nunn (chairman) presiding.

Present: Senators Nunn, Exon, Levin, Kennedy, Bingaman, Dixon, Glenn, Wirth, Shelby, Warner, Humphrey, Cohen, Quayle, Gramm, Symms, and McCain.

Staff present: Arnold L. Punaro, staff director; Carl M. Smith, staff director for the minority; Romie L. Brownlee, deputy staff director for the minority; Jeffrey H. Smith, general counsel; Patrick A. Tucker, minority counsel; and Andrew S. Effron, counsel; Robert E. Bayer, Robert G. Bell, Jonathan L. Etherton, Richard D. Finn, Jr., Judith A. Freedman, John J. Hamre, Ronald P. Kelly, James R. Locher III, Michael J. McCord, T. Kirk McConnell, Norman G. Mosher, Gordon G. Riggle, Mark B. Robinson, Ann Elise Sauer, and Patricia L. Watson, professional staff members; Colleen Getz, research assistant; and Richelle M. Turner, staff assistant.

Also present: Jeffrey B. Subko, assistant to Senator Exon; Gordon Kerr, assistant to Senator Levin; William J. Lynn, assistant to Senator Kennedy; Charles C. Smith, assistant to Senator Dixon; Milton D. Beach, assistant to Senator Glenn; William J. Wight, assistant to Senator Warner; Christopher Mellon, assistant to Senator Cohen; Mark J. Albrecht, assistant to Senator Wilson; Alan Ptak, assistant to Senator Gramm; Samuel J. Routson, assistant to Senator Symms; Patrick A. Putignano, assistant to Senator McCain; Tom Carter, assistant to Senator Dole; and Dick D'Amato, assistant to Senator Byrd.

Present from the Department of Defense; Col. George Jacunski, USA, OSD (LA); Capt. Rick DeBobes, USN, OCJCS; Rear Adm. J. William Kime, USCG; Lt. Col. Phillip R. Hemming, USMC, OJCS: Charles S. DeVore, OSD (LA); Commander William A. Miner, USN, OSD (ISA); and Lt. Col. David D. McCullough, Jr., USA, OSD (ISA).

Chairman NUNN. The committee meets this afternoon to receive a briefing on a classified report to the Congress on security arrangements in the Persian Gulf which was submitted last evening by Secretary Weinberger.

Appearing before the committee today are two officials of the Department of Defense: Hon. Richard L. Armitage, Assistant Secretary of Defense for International Security Affairs; and Vice Adm. Powell F. Carter, Jr.; U.S. Navy, Director of the Joint Chiefs of Staff.

Secretary Armitage and Admiral Carter, the principal purpose of this briefing is for you to provide some insights from Secretary Weinberger's report and answer questions of the membership. We would appreciate any introductory comments or points you have to make about the report.

Before I turn it over to you——

Senator WARNER. I have no comments, Senator.

STATEMENT OF HON. RICHARD L. ARMITAGE, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS

Mr. ARMITAGE. Thank you, Mr. Chairman.

I would only note that that report is something of which the Pentagon is quite proud. We realize, however, that you particularly, sir, and the members of your committee have asked some questions in the give and take that are not covered in that report, and perhaps that is what we should spend our time on today. Obviously, we will try to respond to anything that you have on your mind.

We have also got an officer of the Coast Guard with us today to be able to respond most appropriately and fully to any questions you may have concerning the reflagging.

I think that I would only, before getting into questions, make the following comment, sir. As one of those who, along with Adm. Powell Carter, the Director of the Joint Staff, are admittedly involved in putting this report together, one thing kept cropping back up into my mind. And many of you who have served in the military are very familiar with the phrase, and it is RHIP, that is rank has its privileges, R-H-I-P.

It used to be thrown at the officers on occasion by the enlisted, and the response of the officers would be: But RHIR, rank has its responsibilities.

I thought that is very much the case with the superpowers. We have got an enormous privilege in being a superpower. We have the privilege of an audience whenever we want it, whether Senators are traveling or government officials. We have the privilege of having our voice being heard. We have the privilege of being able to influence in a positive way internal debates in countries who are less than open in terms of human rights and things of that nature.

We have the ability to be very effective on the world economic market just with comments of members of the Finance Committee, the Ways and Means Committee, or administration officials.

There are tremendous privileges with being a superpower. But there are enormous burdens, and I think in a very real way one of the burdens is the burden of leadership. And the administration has taken it upon themselves, Mr. Chairman and members, to try to be a leader in the area of the Persian Gulf.

We sat down, we looked at the alternatives to not acceding to the Kuwaiti request, and we in our minds come up with the conclusion that to not accede was worse than the risk incurred in going ahead.

Senator WARNER. Could you go back a minute?

Mr. ARMITAGE. We sat down and discussed internally, Senator Warner, alternatives, to include not going ahead with the Kuwaiti request, and we determined internally that not to accede to their request had a down side that was greater than the risk incurred in the protection of 11 reflagged vessels.

Now, this is a matter of some debate and we look forward to continuing the debate.

Chairman NUNN. This is before you made the decision?

Mr. ARMITAGE. Yes, sir.

And I would just say a couple of quick words about this report. We have tried to lay out in this 30 page report a background which expressed U.S. interests, both political and strategic, and indeed economic. We talked about the current expansion of the Iran-Iraq War. We think we pulled no punches.

We indicate in there that the aberration of the Iran policy on no sales of arms to Iran has had an effect on this. We also acknowledge right up front that Iraq started the shipping war, which is a comment I think that you might have made, Mr. Chairman, the other day.

We have included a chronology which shows, I think as best we can put together, who did what to whom at what time and what the state of our internal decision-making process was at any one time.

We have added a section on reflagging, the Kuwaiti reflagging, and what this means and what burdens we incur with this and what responsibilities accrue to the U.S. Navy.

We talk about the mission of COMMIDEASTFOR. We have a section on the belligerent order of battle, both Iran and Iraq, to include the fact that both sides have Silkworms, to include in the classified version the number of Silkworms we think the Iranians have, who controls them, things of that nature.

We give you our best judgment on what the threat assessment is concerning Iranian Silkworm, air, and naval attacks against U.S. naval ships or protected ships. We talk about the threats which exist to Kuwait and other countries and give an overall assessment of what we think Iran will do.

There is a section, very unclassified, on rules of engagement. We want to remove some of the mystery surrounding the rules of engagement. It is our feeling that there has been a great deal of misunderstanding about these.

And finally, we have outlined both the readiness conditions of our U.S. ships and our protection of shipping plan. You were kind enough to allow me in a very brief fashion the other day, Mr. Chairman, to talk about that protection plan. We are able to do that in much greater length and, I can assure you now, with much more expertise in the person of Adm. Powell Carter.

Finally, we have a section that explicitly lists what each country in the GCC has been asked to provide at this time. It is not a list on what they might be asked to provide, [deleted].

We have all seem some mines that apparently appeared in the northern end of the gulf. We are still of the impression that these are moored mines which have broken loose, but that might not truly be the case. We are investigating this. There is a military team on its way to Kuwait to look at the mine threat and to see what additional measures may have to be taken if we determine that this is not, as we suspect, moored mines which have broken loose.

Having said that, Mr. Chairman, I think it is our opinion that we could do our cause the most good and perhaps your committee the most good by trying to respond as fully as possible to any questions you or your colleagues have.

Chairman NUNN. Thank you very much, Mr. Armitage.

Admiral, would you care to make any opening statement?

Admiral CARTER. No, Mr. Chairman, I have no opening statement.

Chairman NUNN. Let me begin the questioning, and we will go by the regular rules.

Did you all consult DIA and CIA, or just DIA, in preparing this report?

Mr. ARMITAGE. Both of them, CIA and DIA, sir.

Chairman NUNN. Did they differ on any of their intelligence relating to the threat?

Admiral CARTER. [Deleted.]

Chairman NUNN. Did you note, Admiral, any difference between the CIA threat and the DIA threat assessment? Have you received a briefing on both?

Admiral CARTER. No; the chiefs only received the DIA briefing [deleted].

Chairman NUNN. You did not get briefed by the CIA. What you got is the DIA briefing, in effect, and a footnote about where the CIA either agreed or disagreed?

Admiral CARTER. That is correct.

Senator WARNER. What did the footnote say, Mr. Chairman? What did the footnote say?

Admiral CARTER. [Deleted.]

But as I said, they were [deleted] so to speak.

Chairman NUNN. Excuse me. You trailed off at the end.

Admiral CARTER. They were [deleted].

Chairman NUNN. Did the CIA have any role in preparing this report or was this strictly DOD?

Mr. ARMITAGE. This was a DOD report that had State Department and National Security Council input, and of course the JCS. My own organization, ISA, was primarily responsible for putting it together.

Chairman NUNN. How do you describe the threat in terms of low, moderate, high, from Iran, Admiral, the military threat or the unconventional threat in the gulf?

Admiral CARTER. [Deleted.]

Chairman NUNN. Mr. Armitage, are we doing anything to ask Iraq to cool it in the gulf in terms of their attacks?

Mr. ARMITAGE. [Deleted.]

We do not think this is a good thing, and our intention is to use the forum which has been developed by Admiral Rogers' visit to Iraq to bring this to the Iraqis' attention. Additionally, we have had discussions with some of the Iraqis' close friends, [deleted] to try to encourage the Iraqis not to attack anywhere outside their declared war zone, sir.

Chairman **Nunn**. Have we made any public statement that we would like all belligerents in the area to respect the international waters?

Mr. **Armitage**. Yes, we have. The State Department has. The Defense Department has not.

Chairman **Nunn**. Are we giving any assistance now to Iran with arms or with intelligence?

Mr. **Armitage**. None that I am aware of, and I would like to assure you that I would be aware. None that I am aware of.

Chairman **Nunn**. You think you would be aware of it if it was happening?

Mr. **Armitage**. Yes, I think so. And Mr. Armacost also was asked the same thing in a hearing with me this morning in the Senate Foreign Relations Committee, and he said to his knowledge, "no."

Chairman **Nunn**. Admiral, do the chiefs or you or anyone in your outfit know any assistance we are giving to Iran now, intelligence-wise or arms-wise?

Admiral **Carter**. Senator, the answer to that within my knowledge is absolutely not.

Chairman **Nunn**. The same question to Iraq. Are we giving any assistance to Iraq in the form of arms or intelligence or any other assistance that you know of?

Mr. **Armitage**. [Deleted.]

Chairman **Nunn**. Do you have any information on that?

Mr. **Armitage**. [Deleted.]

Chairman **Nunn**. Who would we ask on that? Would that be strictly CIA or would DIA know?

Mr. **Armitage**. I think I would request CIA to talk to you, sir.

Chairman **Nunn**. Senator Warner.

Senator **Warner**. Gentlemen, I follow on the Chairman's questions about the degree to which other agencies of government were allowed an opportunity to make a contribution to the preparation of the report. I have just received a briefing in the last hour from the CIA. Other members of the Senate were there from this committee.

[Deleted.]

Mr. **Armitage**. I not only will avail myself of their views. I will bring this to the Secretary's attention.

Senator **Warner**. Well, I do not think you have to run someone up the flagpole.

Mr. **Armitage**. No, I was not looking to punish anybody.

[Deleted.]

Senator **Warner**. I presume when you said that you made an assessment, that you concluded that to not accede to the Kuwaiti request had a downside greater than the risk of the reflagging. I personally believe that the President has done the right thing in terms of increasing our military presence and giving a sense of commitment and firmness in that region as to what this Nation will do. But with the reflagging, to use an old Navy expression, I think you got wrapped around your ankle chain with. Well, so much for that.

When you looked at this and evaluated the Soviet response, that it would be that they probably would have stepped up and taken a percentage of the 11 ships, did you really try to make an assessment of the short-range and long-range likelihood of greater Soviet presence in that area?

I would further point out that Senator Glenn and I learned firsthand that the cultural differences between the countries of the GCC and communism are as wide a gap as you will find anywhere in this world. I mean, they have a total faith in God and communism is the antithesis of that.

Second, the six GCC states are among the champions of the free enterprise system and they are monarchies. If you look at the total cultural infrastructure and you find—at least this Senator does—it is very hard to believe that the Soviets could begin to make a major inroad into that area of any lasting nature.

You could get an anchorage here or there or a little bit of help for an escort. But when one looks at these factors, I really question whether or not the administration has overplayed, to use a trite phrase, the Soviet card.

Do you have any views on that? Did you really assess the historical and cultural differences in advising the President on the likelihood of the Soviets moving into that area?

Mr. Armitage. I completely endorse your statement and the finding that you and Senator Glenn came back with about the cultural and religious differences between the GCC and the Soviet Union.

Senator Warner. And even throw in Afghanistan. They are embittered about an attack on brother Muslims.

Mr. Armitage. I do endorse that. But we considered other factors, and among those factors were that Kuwait nonetheless decided to establish relationships with the Soviets back in the seventies, and the UAE and Oman, other members of the GCC, have recently done that in 1985; and that the Saudis are engaged in discussions with the Soviets.

We have for eight successive Presidents tried to limit or keep out the Soviets from the Persian Gulf, and we felt to give them a leg up would just be unconscionable. Indeed, Senator, we wondered at the time internally what the tenor and tone of congressional hearings would be if the Soviets had stepped in and taken over the reflagging, and in 2 or 3 or 4 years we find our own access to the Persian Gulf countries reduced while the Soviets, for a change, find that they have military access which they do not have now.

Senator Warner. Well, they can sail as many ships as they want up there. I do not know what you mean by access. I doubt that those nations would allow the Soviet Union to establish bases and anchorages of any conseqence, and that is my own personal opinion. Maybe you have a different one.

Mr. Armitage. Well, I have a different opinion, that we were, to use the words the other day, flying in harm's way, Senator, if we did not try in every measure, prudent measure, to keep the Soviets out of the Persian Gulf.

Chairman Nunn. If the Senator would yield on that point. I think I had a little bit more time.

What I do not understand on this point is, we are sending our people over to risk their lives to protect Kuwaiti vessels, whatever the risk is. Kuwait was the one who invited in the Soviet Union. That is what we consider to be the strategic threat.

So we are protecting the nation that has increased the strategic threat as you have defined it by inviting in the Soviets. What happens to our leverage with Kuwait? How is it that we cannot do anything about that?

Mr. ARMITAGE. Well, I think there is one starting point we have to begin with, and it is a point before you begin, Mr. Chairman. Gulf shipping has only been hit, as we have all acknowledged, to the tune of 1 percent. The Kuwaitis were hit to the tune of 6 percent of their shipping. These are losses such as the convoys were incurring in World War II.

They are not insignificant in the Kuwaitis' minds. So they were shopping around, looking for some assistance. You are right, they invited the Soviets in. And once they got the offer, they then turned to us.

We found it in our interests to try to exclude the Soviets from an active military role, and we think we have done this. When we on March 7 sent a letter back to the Kuwaitis, sir, informing them that we would protect 11 reflagged vessels, [deleted].

Chairman NUNN. Thank you. Senator Warner.

Senator WARNER. A quick question to the Admiral and then back to the Secretary. Admiral, is there in existence any memoranda or communications between the JCS and the Secretary of Defense and/or the White House which states the JCS position for or against the reflagging? And if so, what is the position?

Admiral CARTER. The JCS has never been asked really the policy question as to whether reflagging is or is not a good idea, Senator. What we were asked was if we were to reflag those ships, could we adequately protect them? And we have answered that question affirmatively.

Senator WARNER. To the Secretary, what is the plan of the administration if another country comes and seeks reflagging comparable to the procedures followed with Kuwait? That is, a GCC country.

Mr. ARMITAGE. We would have to evaluate it. We have no plan, nor do we have a commitment, to undertake their protection. We would note that it was only Kuwait who was targeted by the Iranians. The other gulf countries' shipping was not targeted.

Senator WARNER. Just answer the question. It is an open-ended program, in other words?

Mr. ARMITAGE. None are programmed and none are anticipated.

Senator WARNER. But if they come, they will be evaluated, each one on their own merits?

Mr. ARMITAGE. That is correct.

Senator WARNER. So in effect, it is an open-ended program.

Mr. ARMITAGE. I do not think it is an open-ended program.

Senator WARNER. Well, we can judge the facts. But there is no word put out, policy statement that this is it. Are we going to increase the number of reflaggings beyond?

Mr. ARMITAGE. No, there is not, Seantor.

Senator WARNER. A second question. What is likely to be the position of the administration if it is established by clear and convincing evidence that the Iranians were responsible for the destruction, sinking or otherwise, of a ship not flagged by either France, Great Britain, or the United States, say a Liberian tanker, but that is shipping arms or some type of economic goods up into Kuwait for eventual transit to Iraq? What would we do?

Mr. **ARMITAGE**. [Deleted.]

Senator **WARNER**. Would not that sinking be just as destructive of free navigation as the sinking of or hitting of a Kuwaiti ship? In other words, when you decide to take roughly 3 percent of the total shipping traffic in the gulf in any 1 month—that is the 11 ships, using a 400-ship average—and place your protective arms of the United States around that 3 percent, the rest are left out in the cold.

Now, how do you answer to the world when they get struck and hit in terms of, "We are over there to preserve freedom of navigation, freedom of transit", and all of those laudatory goals?

Mr. **ARMITAGE**. I think what I would answer is that we have, as we have expressed, three goals. One of them is freedom of navigation, and a friend came to us and asked for some help.

Senator **WARNER**. We have been over that ground.

Mr. **ARMITAGE**. It is very important. I do not mean to be short, but it is very important, because I do not think you can take one of our objectives out and leave it alone. I think they all three tie together.

The Kuwaitis needed help. They were being targeted and they did come to us, and we want to help them. We do want to help our moderate friends. [Deleted.]

And finally, we do think this keeps the Soviets out. And the reason we are able to do these things is through the freedom of navigation principle.

I do not think you can take one of those three objectives out and leave it stand alone, Senator Warner. They are all tied together.

Senator **WARNER**. But you agree with me, if one of them goes down in the Straits of Hormuz it is a pretty strong deterrent to freedom of navigation? And we are prepared at this time with no contingency plans?

Mr. **ARMITAGE**. The Strait of Hormuz itself—we and others before have claimed if the strait was closed by the Iranian Silkworm or something that would be a very serious matter—we would not allow it to be closed. And indeed, I have got to tell you, nor would the British and the French. We would be together with them, I am sure, right off the bat if the strait was closed.

Senator **WARNER**. Thank You.

Chairman **NUNN**. Senator Exon.

Senator **EXON**. Thank you, Mr. Chairman.

Welcome, gentlemen. Let me go back to the opening statement that you made, Mr. Armitage, and you were questioned on this by Senator Warner and Senator Nunn. I took it from your testimony that you said that when you reviewed the alternatives there was more downside by not flagging than flagging.

When did you go through that process? Was that before the public announcement that the administration planned to flag the Kuwaiti tankers?

Mr. **ARMITAGE**. I may have inadvertently misled you if I just said flagging. I should have said before a decision to protect the Kuwaiti tankers. That is, my statement should be amended, if you will allow me, to say that we evaluated the risks of not protecting the

Kuwaiti tankers after they had asked us and found in our minds that the risk of a long-term loss were greater than the risk incurred by acceding to the——

Senator EXON. But that was before the public announcement?

Mr. ARMITAGE. That is correct.

Senator EXON. And when did the flagging issue come up? After the fact, right?

Mr. ARMITAGE. The flagging issue came up originally—I have got a chronology and it might be helpful if I run through it very quickly. It is in the classified and unclassified report.

Senator EXON. I do not want to take up all my time having you run through the chronology. How long will that take?

Mr. ARMITAGE. Two minutes, one minute.

Chairman NUNN. Go ahead, without it counting against the Senator's time.

Mr. ARMITAGE. December 10, the Kuwaiti Oil Company—of last year—came to the Coast Guard to ask for information on U.S. flagging requirements. This was handled in a normal way. It did not even reach anybody in the government or in the policy level's attention, because over the past several years we have had 50 such requests for reflagging.

On December 23, the Kuwaiti Oil Company informed the U.S. Embassy in Kuwait of some interest in reflagging.

December 25, the Coast Guard got back to the Kuwaitis and told them of the requirements for reflagging. On January 13, Kuwait asked the U.S. Embassy if reflagged Kuwait-owned vessels would receive U.S. Navy protection, and at that time, January 13, we also learned, or at least the Kuwaitis told us, that the Soviets had agreed to protect the Kuwaiti ships.

In mid-January we had inter-agency policy meetings at the White House on the Iran-Iraq War, on the gulf. We had a Presidential statement of January 23.

On January 29, we replied to Kuwait that Kuwait could reflag or charter as long as it met U.S. requirements. On February 6, we affirmed to Kuwait that a U.S. Navy mission is to protect U.S.-flag ships to the degree possible with the assets available.

On February 25, the President made another statement. In late February, the Iranians had a successful Silkworm firing. And then, later February yet, we learned from the Kuwaitis, that they had decided they would like to flag six tankers under the United States and five tankers under the Soviet Union.

The President in the first week in March approved an interagency recommendation on the protection of Kuwaiti tankers, and on March 7 Kuwait was informed of the U.S. offer to protect all 11 vessels.

Senator EXON. It is pretty obvious, is it not, that this whole matter of flagging and protecting the Kuwait carriers was driven, as much as anything else, by the Kuwaiti request for Soviet assistance? Is that a fair statement?

Mr. ARMITAGE. I can assure you it weighed very heavily on our minds, sir, in these discussions, Senator.

Senator EXON. When was the DIA and CIA assessment of the threat taken into account? Was that at the same time as that scenario that you just ran through?

Mr. **Armitage**. [Deleted.]

Senator **Exon**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Exon**. If I remember the dates that you just used, there were dates [deleted] when we were considering this. Is that not true?

Mr. **Armitage**. That is correct.

Senator **Exon**. And we did not at that time go to the DIA and the CIA asking for their assessment of the threat?

Admiral **Carter**. [Deleted.]

Senator **Exon**. When was the DIA and the CIA brought in on this?

Admiral **Carter**. I would have to provide that to you, Senator. I do not remember.

Senator **Exon**. I wish you would provide it. What I am trying to understand is: was the process of making a determination orderly?

Can you help me out on that?

Mr. **Armitage**. [Deleted.]

But I do not want to mislead you, so I would like to supply it.

Senator **Exon**. Well, I would appreciate it for the record because I think it is important.

[The material referred to follows:]

DIA INVOLVEMENT IN THE KUWAITI TANKER REFLAGGING DECISION

[Deleted.]

Senator **Exon**. During our negotiations with the Kuwaitis, did they offer anything in return for us flagging and protecting their oil transports? Or was it pretty much one-sided?

Mr. **Armitage**. At that time they offered nothing. We have subsequently had conversations with them.

Senator **Exon**. Has the Government of the United States asked, if we wanted it, [deleted] or have we asked any of the other friendly gulf states?

Mr. **Armitage**. [Deleted.]

Senator **Exon**. How about the other gulf countries? Have we asked them or are we afraid to?

Mr. **Armitage**. No, we have asked the Saudis.

Senator **Exon**. We have asked the Saudis?

Mr. **Armitage**. We have asked the Saudis [deleted].

Senator **Exon**. What did they say?

Mr. **Armitage**. [Deleted.]

Senator **Exon**. You do not necessarily agree with that, do you?

Mr. **Armitage**. Well, Admiral Crowe apparently—well, I ought to let the Admiral speak about military matters.

Admiral **Carter**. The man who should really answer that question is the commander in chief whose area of responsibility includes that. We asked General Crist what he wanted in the way of support from the Gulf Cooperative Council states and he provided us with a list.

One of the items on that list [deleted].

Senator **Exon**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator EXON. [Deleted.] Does that not concern you quite a little, Admiral?

Admiral CARTER. [Deleted.]

Senator EXON. [Deleted.]

Admiral CARTER. [Deleted.]

Senator EXON. My time is up, Mr. Chairman, Thank you.

Chairman NUNN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Admiral, I am a little concerned about your last answer to Senator Exon. [Deleted.]

And yet, in answer to the previous question by Senator Exon, you mentioned, or Secretary Armitage mention, [deleted].

Admiral CARTER. [Deleted].

Let me give you the context in which General Crist provided his list. The Secretary of Defense called the Chairman, he was traveling, then called the Vice Chairman's office when General Crist was there and asked General Crist to put together a shopping list of what did he think he would like to have. [Deleted.]

We got a fairly extensive list from him. One of the many items on that list and down the list a ways was this requirement [deleted].

Senator MCCAIN. Did we ask General Crist what he needed to have in order to minimize the risk?

Admiral CARTER. We asked him what he needed to have to carry out the mission, and he gave us his response and that response did not include [deleted].

Mr. ARMITAGE. I might only add that when the Secretary of Defense went to Nice to meet with the Saudi minister of defense, Senator, he asked a staff officer, a major general of General Crist's, to go along with him to be able to discuss authoritatively these needs.

[Deleted.]

Senator MCCAIN. On page 3 of the statement that was provided to us, Admiral, it says: [Deleted].

Admiral CARTER. [Deleted].

Senator MCCAIN. Do you view that as a significant [deleted]. And I know we may have a problem with semantics here, but I think it is important.

Admiral CARTER. [Deleted.]

Senator MCCAIN. Mr. Secretary, also on page 3 it says: "the GCC states have been more willing than heretofore to support one another and work with us."

Could you at least tell us a little bit about how they have shown they have been more willing to work with us?

Mr. ARMITAGE. Yes. [Deleted.]

Senator MCCAIN. On page 4 you say: "We are consulting the allies on what tangible contributions each might make to deter hostile forces in the gulf."

Are we receiving anything concrete from our allies yet?

Mr. ARMITAGE. [Deleted.]

Senator MCCAIN. How do you counter Silkworm missiles Admiral? Suppose there was a ship in the Straits of Hormuz.

Admiral CARTER. In those very confined waters, if it is actually fired at you it would be extremely difficult to counter. [Deleted.]

Senator MCCAIN. So it is going to be extremely difficult?

Admiral **Carter**. [Deleted.]

Senator **McCain**. Also in the statement it says: [Deleted].

Mr. **Armitage**. [Deleted.]

Senator **McCain**. Well, my time has expired. Thank you, Mr. Chairman.

There is one aspect which I do not believe is real minor to this situation, and that means we are going to have an increasing commitment and therefore an increasing burden on the All Volunteer Force of maintaining a naval presence in that part of the world. It's extremely arduous and difficult to retain men and women under those very difficult conditions, and I hope we are planning on easing the burden somewhere else for those people under very arduous and very high pressure situations.

Mr. **Armitage**. That is exactly what the CNO said in the discussions we had, sir.

Senator **McCain**. Thank you.

Thank you, Mr. Chairman.

Chairman **Nunn**. Thank you, Senator McCain.

Senator Wirth.

Senator **Wirth**. Thank you, Mr. Chairman.

Admiral, I think you said, in response to a question earlier by the Chairman, that the JCS has not been asked for their position on U.S. reflagging of the ships. Is that correct?

Admiral **Carter**. Not on the policy decision, no.

Senator **Wirth**. Is that unusual, that you would not be asked?

Admiral **Carter**. No. Normally we are asked for military advice and not policy advice.

Senator **Wirth**. So in a situation like this you are not asked whether you think this is a good idea?

Admiral **Carter**. Not as a corporate body in the JCS. I am sure the Secretary of Defense discusses these matters.

Senator **Wirth**. Does the JCS ever discuss the policy implications of this sort of thing?

Admiral **Carter**. No, sir, not in any of the meetings I have attended. It is primarily a discussion of the military requirement.

Senator **Wirth**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Wirth**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Wirth**. Within the Persian Gulf area—the battle group is outside the straits.

Admiral **Carter**. The battle group can be moved up in the Gulf of Oman any time we want.

Senator **Wirth**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Wirth**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Wirth**. Given?

Admiral **Carter**. [Deleted.]

Senator **Wirth**. There was reference in the report that one of the nice things about—one of the advantages of reflagging the ships is we have been assured that there was no—that these ships would not carry contraband. Has there been a history of Kuwaiti ships carrying contraband?

Mr. ARMITAGE. [Deleted.]

Senator WIRTH. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WIRTH. When did we first offer to reflag these vessels, Mr. Secretary?

Mr. ARMITAGE. On January 29, we replied to the Kuwaitis that we could reflag or charter if the Kuwaitis met U.S. requirements.

Senator WIRTH. That was the first discussion, January 29?

Mr. ARMITAGE. No. The Kuwaitis approached the Coast Guard on December 10 and asked for information about reflagging. They did not indicate anything unusual and it was treated in a very normal manner by the Coast Guard. And as I indicated, we have had 50 ships over the past 4 or 5 years that have been reflagged. I do not know of any from Kuwait, but around the world.

And so the Coast Guard treated it very routinely and it never reached any policy level. It was not until December 23, when the Kuwaiti Oil Company indicated to the embassy in Kuwait that they had an interest in reflagging, that any policy level awareness came to this at all.

Senator WIRTH. And that came to the Defense Department in December?

Mr. ARMITAGE. It came in through the State Department and then was transmitted to us.

Senator WIRTH. So you began to discuss this in the Office of the Secretary in December?

Mr. ARMITAGE. We did begin to discuss this in late December, early January, inter-agency.

Senator WIRTH. When did all of this first become public?

Mr. ARMITAGE. In March, to my knowledge.

Senator WIRTH. That we were considering reflagging?

Mr. ARMITAGE. Yes, sir.

Senator WIRTH. Can you tell us what kind of Silkworm capability the Iraqis have?

Mr. ARMITAGE. Yes; it is covered in depth in the report, and I will read it to you.

Senator WIRTH. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator WIRTH. Is that public knowledge, that Silkworms are available in Iraq?

Mr. ARMITAGE. That the Iraqis have Silkworms is known. [Deleted.]

Senator WIRTH. How long have we known of Silkworms, the Iranians having Silkworms?

Mr. ARMITAGE. [Deleted.] I do not think we knew that any had shown up until——

Admiral CARTER. We really did not get confirmation until they test fired one in February [deleted]. And then they moved in a launcher and eventually test fired.

Senator WIRTH. Thank you, Mr. Chairman.

Chairman NUNN. Next is Senator Humphrey. I think he must have stepped out.

Senator Quayle.

Senator QUAYLE. Thank you, Mr. Chairman.

I would like to try to nail down a couple of concerns that have been expressed recently about the reflagging of the Kuwaiti ships, two in particular. One is that there is not, I think, a firm belief or consensus that there is a real threat in the Persian Gulf to the Kuwaiti vessels, that it is absolutely necessary for us to have an escort of those Kuwaiti vessels to get them through the Straits of Hormuz.

And second, there seems to be a lingering idea out there that perhaps both ends were played against the middle concerning the Soviet Union. There is no doubt that nobody wants to see the Soviet Union take responsibility and exert its influence any more in the Persian Gulf, particularly with Afghanistan and the Iran situation changing in the last decade.

But there is some lingering suspicion out here, or at least not lingering suspicion but a question mark that, would the Soviets have gone ahead and reflagged those ships of Kuwait; that perhaps if they went to the Soviets to, that maybe we would come in and do this, and once we found out the Soviets were going to do this—and you mentioned in the chronology that we were going to do 6 and they were going to do 5, and when we found out about that, bingo, we said we had to do all 11.

And the only reason we did it was because of the Soviets. And I wonder if you might address those two concerns that I have heard expressed: One, the real threat, that they are saying no Kuwaiti tankers, I gather, have actually been sunk. A number of them have been attacked. Is there really a threat in the Persian Gulf to having these ships get out on their own?

Mr. ARMITAGE. Well, I can only answer with empirical data, Senator, and that is that, though 1 percent of the shipping in the gulf has been subjected to attack, 6 percent of Kuwaiti shipping has been attacked. So in their minds there is a problem.

Senator QUAYLE. On answering that question, what would be the best—I mean, if you are asked that question, to describe the threat in the strongest terms, to make the case, not just privately on a classified basis here at the Senate Armed Services Committee, but to show the American people that it is a real vital threat that is over there and that is one of the reasons we have to do what we are doing, how would you say that?

Mr. ARMITAGE. I would say two things. I would first point out that Iran has without question attempted to intimidate Kuwait. [Deleted.] And the Kuwaitis have stood up very well to that. And third, they have tried it now through intimidation in the stoppage or the impairment of shipping from Kuwait.

Kuwait is a very real friend. And if you are asked to reply to the American people about the impact of this on what matters to us, our lives, et cetera, in the near term I think it is very difficult to point out. I think in a little bit longer term you can point out the disastrous effects that Iranian success in intimidation would have to oil supplies or the Soviets' ability to get their hands around what we all describe as a choke point for oil.

Senator QUAYLE. What about the Iranians' ability to basically deter that shipping from Kuwait? Was that real? What data do we have or what data do we have that we can in fact link up to this idea that the shipping was not going to go foward?

Mr. ARMITAGE. Well, the figure that sticks in my mind is since September of 1986 41 ships calling on Kuwait have been hit. Of those, 23 were tankers. This is a remarkably high figure.

Senator QUAYLE. That is in the port there?

Mr. ARMITAGE. That is calling at the port. That was not in the port.

Senator QUAYLE. Forty-some ships?

Mr. ARMITAGE. Forty-one. There has not been an attack to my knowledge in the gulf in the last 20 or 30 days at all.

Senator QUAYLE. There has not been an attack in the gulf?

Mr. ARMITAGE. No, there has not.

Senator QUAYLE. So where is the real threat? Is it up by Kuwait, up by the port, where all of the attacks have gone on? Or is it down further, in the Straits of Hormuz?

Mr. ARMITAGE. The Iranian threats I think for the most part, as Senator Kennedy demonstrated on a chart the other day, have been down farther in the gulf, but not exclusively down there.

Senator QUAYLE. Who has been doing the attacking up close, then? Is that the Iraqis?

Mr. ARMITAGE. You will remember that the Iraqi war zone is up much closer.

Senator QUAYLE. So the attacks, the 40-some attacks you are talking about, are Iraqi attacks and not Iranian attacks?

Mr. ARMITAGE. No, they are all Iranian attacks on Kuwaiti shipping.

Senator QUAYLE. But are they up close to Kuwait or are they down further?

Mr. ARMITAGE. The majority of them are down farther, but these are Kuwait ships calling at Kuwaiti ports is what I am trying to, not very successfully, point out.

Senator QUAYLE. But you would say that from your information, both sensitive and otherwise, that there is little doubt that this would have a very profound impact on Kuwait's ability to be able to ship oil in and out?

Mr. ARMITAGE. No, I would not quite say that. I would say that the repercussions or ramifications of us not acceding to their request and consequently either emboldening the Iranians more to try to intimidate Kuwait or to have the Soviets step in an area of vital interest to us, which eight Presidents over 40 years have been successful in keeping them out, would have very negative impacts on us.

Senator QUAYLE. When did Kuwait ask the Soviets to reflag their ships?

Mr. ARMITAGE. I cannot say definitively. They informed us——

Senator QUAYLE. Kuwait informed us, I think you informed us it was in January, December, some time like that.

When did Kuwait go to the Soviets? Did they go to the Soviets first, or did they come to us first?

Mr. ARMITAGE. We are not sure. I believe the Soviets made them an offer, but we are not quite sure of that.

Senator QUAYLE. You do not think Kuwait went to the Soviet Union?

Mr. ARMITAGE. It is very possible.

Senator QUAYLE. You do not know?

Mr. **Armitage**. No, I do not know.

Senator **Quayle**. Would anybody know that?

Mr. **Armitage**. Let me ask the expert.

[Pause.]

Senator **Kennedy**. In this chronology there are some references to it.

Mr. **Armitage**. I am informed they went to the Soviets first.

Senator **Quayle**. Kuwait went to the Soviets first to ask for the Soviets to reflag?

Mr. **Armitage**. If they would be willing to reflag.

Senator **Quayle**. And what was the Soviets' response?

Mr. **Armitage**. That they were.

Senator **Quayle**. They were willing. And then they come to us and said: America, we now have the Soviets willing to reflag us; what are you going to do? Is that the way it happened?

Mr. **Armitage**. In effect. I think their initial discussion with the Soviets had to do with lease.

Senator **Quayle**. Why would they go to the Soviets first?

Mr. **Armitage**. I think they had a question about our ability to keep this quiet in the first place, and I think that there is an element of [deleted].

Senator **Quayle**. What did you say?

Mr. **Armitage**. I think there is an element of the Kuwaitis, they made a big thing over the years of what they call a balanced foreign policy. And I think there was an element of [deleted].

Senator **Quayle**. [Deleted.]

Mr. **Armitage**. [Deleted.]

Senator **Quayle**. [Deleted.]

Senator **Warner**. Well, if you would yield, they must have turned down the offer thinking it was a bad deal.

Senator **Quayle**. He says no.

Mr. **Armitage**. Our information is they did not turn it down, Senator.

Senator **Warner**. Why did they not take all of the 11? Why did they bother with the Americans?

Mr. **Armitage**. [Deleted.]

Chairman **Nunn**. The Senator's time has expired.

This is a line of questioning that really is most interesting to me, because it seems to me there is a failure of credibility of diplomacy here. I mean, if we have got a little nation like Kuwait that is in a very vulnerable position and they can take two superpowers and have us contesting with each other to see who is going to stick our nose further into the role of protecting them, and the United States cannot seem to do anything about that except sign up and say, yes, we will help you because the Soviets are otherwise here, does that not show a tremendous loss of credibility in the region?

Mr. **Armitage**. Yes, I think it does show a loss of credibility in the region. I think there are a lot of reasons, as I pointed out in the session the other day, for that, a very complex set of reasons.

Chairman **Nunn**. Does any of it have to do with pressuring the Kuwaitis to release the terrorists that they have in jail?

Mr. **Armitage**. I do not have any information on that. I know what you are referring to.

Chairman **Nunn**. You have not had any feedback on the Kuwaitis being frustrated with that pressure?

Mr. **Armitage**. No. I thought they stood up very well to the terrorism front, including all demands, ours and others, to release those terrorists.

Chairman **Nunn**. Admiral, do you have any information on frustration by the Kuwaitis over the terrorists?

Admiral **Carter**. I have none, Senator.

Chairman **Nunn**. Do you have any information about this growing out of an aftermath of them finding out about us selling arms to Iran?

Admiral **Carter**. Nothing.

Mr. **Armitage**. I have nothing definitive. I have got the same feeling you share, but I do not think it is fair to entirely label this whole thing on the Iran arms sale aberration. I think that one must give some consideration to the difficulty we have had in trying to develop a relationship with moderate Arabs, with arms sales and other things.

Senator **Quayle**. [Deleted.]

Mr. **Armitage**. That is my understanding, Senator.

Chairman **Nunn**. Could I ask one more question here? What exactly are the Soviets doing over there with the Kuwaitis?

Mr. **Armitage**. They are leasing two tankers right now. They leased three and one hit a mine, sir. And so they have diplomatic relations with the Kuwaitis and they have leased two tankers, and that is the extent of their involvement right now. They are engaged in propaganda activities.

Chairman **Nunn**. When you say leasing, they are Soviet tankers, leasing it to the Kuwaitis?

Mr. **Armitage**. Yes.

Chairman **Nunn**. Whose flag does it fly?

Mr. **Armitage**. A Soviet flag.

Chairman **Nunn**. So the Soviets are basically for hire? They are hiring two of their tankers under their flag?

Mr. **Armitage**. That is right.

Chairman **Nunn**. As opposed to using the Kuwaiti ships and putting their flag on them?

Mr. **Armitage**. That is right.

Chairman **Nunn**. Senator Kennedy.

Senator **Kennedy**. Now, I understand that 70 percent of the Kuwaiti oil is on foreign flag vessels. The United States is only reflagging half of the Kuwaiti tanker fleet and therefore we are protecting only 15 percent of the Kuwaiti oil. Kuwaiti oil is only 12 percent of the gulf oil, and therefore we are only protecting 2 percent of the total gulf oil.

I will let you look over those figures.

Mr. **Armitage**. I will take your word for it.

Senator **Kennedy**. That is about where we are. The 70 percent of the Kuwaiti oil is going out on other ships. I mean, primarily they are similarly flagging ships that are tracking, both going to Iran and also going to Iraq.

The greatest numbers are the Panamanians, the Liberians, and some Europeans. Now, so 70 percent of the oil is going out on other ships and we are not doing anything about that. And yet you have

98 percent of the attacks by Iraq, 98 of the 125 attacks, are against nonbelligerents.

The Iraqis and the Iranians are sinking mostly the ships from the same countries. They are sinking Liberia—or they are hitting, excuse me, Liberia, 13 of their ships; Panama, 11 of its ships; Europe, 17 of its ships; while the Iraqi attacks are: Europe, 23 of its ships; Liberia, 25 of their ships; Panama, 12 of their ships.

It is the same group that are moving down there, back and forth, and most of them are carrying oil. They are carrying the same substance, the same countries.

And I would think that the freedom of the seas means freedom of the seas for all international travel, not just one side. You are talking about the same countries, by and large, coming up through there.

I mean, do you not find that when you talk about the freedom of the seas, do you not gulp a little bit with that argument?

Mr. ARMITAGE. Well, I do gulp a little bit, particularly the way you put it, Senator Kennedy. I have got the same figures. I am not questioning your figures at all, and I do not mean to.

But I am having trouble, and I am not doing a very good job of explaining, is that—the following two things: First of all, if you base this only on what might be a decision that you gentlemen and your colleagues will make on what the disruption of the oil supply is now, then clearly there is not a large disruption. The prices have not gone up.

If you look at this in the way that we are trying to look at it, and that we do not want Iranians to increase their hegemony over the gulf and we do not want the Soviets to increase their ability to be stronger in a region that is vital to us and not to them, then you will see that the potential for our falling prey to their control of the choke points is there.

Senator KENNEDY. All right. Now, as I understand it you indicated earlier that the French and the British are prepared to come aboard in some kind of joint action if we are talking about the Straits of Hormuz?

Mr. ARMITAGE. No, I said we would want them if the straits were closed.

Senator KENNEDY. Have they indicated at all whether they would become involved or not?

Mr. ARMITAGE. No, sir.

Senator KENNEDY. Have you asked them whether they would become involved?

Mr. ARMITAGE. No, we have not at all.

Senator KENNEDY. Well, do you not think it would be wise to find out if they would?

Mr. ARMITAGE. Well, we are going to as a matter of course.

Senator KENNEDY. Well, it might make some difference in terms of policy if we knew the French and the British were prepared to come aboard if it is the Straits of Hormuz, but they will not do it any other way. I think that would be interesting to the American people to know.

Mr. ARMITAGE. I take your point. I think you are right. I think our very strong feeling is that all of the governments have spoken out about a closure of the Gulf of Hormuz being of vital concern to all of us.

Senator **Kennedy**. Now, I understand that the Russians provide the Iraqis with a good deal of military assistance. The Warsaw Pact are providing guns to the Iranians.

Mr. **Armitage**. Yes, sir.

Senator **Kennedy**. So we have a split within the communist world. The Russians, allies of the Warsaw Pact, they are providing guns to one side and the Warsaw Pact are providing guns to the other.

Mr. **Armitage**. That is right.

Senator **Kennedy**. So we are naturally more sensitive to the fact that it is Iran—is that interesting to you people, that there is a split between the Warsaw Pact countries and the Soviets?

Mr. **Armitage**. Well, it has been a source of a great deal of discussion between ourselves and the Saudis. We have tried to bring them to the table. After all, we do think the Soviets want the war to end. They have been the major benefactor of Iraq, and [deleted].

For their own reasons, they have not yet chosen to engage with us in Operation Staunch. But we are hopeful that, with the permanent members of the U.N. Security Council, they will come on board with the new resolution to put some teeth in that thing.

WAR POWERS ACT

Senator **Kennedy**. Moving along to another different subject here on the application of the War Powers Act in this situation, what was the recommendation of the State Department, whether the War Powers Act did apply?

Mr. **Armitage**. Their lawyer—and may I have the legal people give you that? He knows that. This is our lawyer.

Senator **Kennedy**. Yes.

Captain **DeBobes**. At the meeting of the legal group, which is always brought together under the auspices of the White House counsel whenever there is an issue relating to War Powers—there was unanimity of opinion of the lawyers for all of the agencies, which includes State, DOD, JCS, Justice, and the White House and the NSC.

Senator **Kennedy**. I read someplace that Attorney General Meese said that he thought it did apply.

Captain **DeBobes**. The Justice representative joined in the opinion that it did not apply.

Senator **Kennedy**. Do you know whether Senator Baker—I just saw in the newspaper that he felt that it did apply. And I am just wondering whether he or his representative was at that meeting?

Captain **DeBobes**. His representative at that meeting concurred that it did not apply.

Senator **Kennedy**. My time is up.

Chairman **Nunn**. Senator Symms.

Senator **Symms**. Thank you very much, Mr. Chairman.

I want to pursue the question just a little bit more about what it is the British, the French, and the Japanese have said they would do. The President made a reference in his speech last night, a generality I agree, but that we had a lot of support for our policy in the Persian Gulf from our allies at the economic summit.

What specifically have they said they would do?

Mr. ARMITAGE. [Deleted.]

We have asked for more public support from the United Kingdom for our common interests, and we also want to conduct more military to military contingency talks with them.

Senator SYMMS. But they seem to be reluctant to think the threat is bad enough to really make a commitment.

Mr. ARMITAGE. [Deleted.]

Senator SYMMS. I guess I kind of come down on the side of, I can see the importance of United States not having the Ayatollah and the Soviet Union take control of the Persian Gulf. But we still never seem to get that statement stated publicly. Now, you said that the other day, that you agreed that is the real threat, is that not correct?

Mr. ARMITAGE. Yes, sir.

Senator SYMMS. But is the President—I never hear this message coming out to the public. This freedom of the seas argument is what I always hear.

What about the outright threat of us not being there? If we did not flag these vessels or we do not participate and the Soviets do, and we lose our presence there and then the Soviets start their usual chicanery, what happens?

Mr. ARMITAGE. I will note that in this report, which is an interagency blessed report, but DOD put it together, at least technically put it together, we have ordered our interests in the area, and we start with just the one you mentioned, about prohibiting the Soviets from being able to engage in any chicanery.

The freedom of navigation is the principle the Kuwaitis came to us and asked for assistance under, and we used that principle in order to support the Kuwaitis, in order to bolster them against the intimidation of the Iranians, and indeed in order to prevent, we hope, the Soviets from getting a higher presence in the Persian Gulf.

But I would like to, Senator, call your attention to the order that we put the U.S. interests in the region. I think you will find them congenial to you.

Senator SYMMS. Thank you very much, Mr. Chairman.

I would just say, Mr. Secretary, I guess I would be a lot happier if we could demonstrate the same mettle here in the Caribbean Basin to close down freedom of the seas around places like Nicaragua and Cuba, rather than we are always so involved so far away from home, where it is a more difficult logistical problem.

I think we might find we could, if we had a consistent foreign policy with respect to who our friends and foes are, that it might be a little easier for us to get the public support for it. I mean, we on the one hand support freedom fighters in Nicaragua and on the other hand we recognize the Communist government in Nicaragua, and it is very confusing for the public.

And it is certainly a complex issue in the Persian Gulf and there does not seem to be a consistent pattern there.

Mr. ARMITAGE. We have had a great deal of difficulty with consistency. But I must say on this effort, this is what we are trying to do, and to get the cooperation that we need to put this policy forth in the public minds.

We cannot do that if we have not spent a lot of time trying to make sure all of your concerns are very well taken care of.

Senator SYMMS. I might just say that I am still—you have answered this question already, but I will just express a concern. I am still concerned about the threat that exists of an F-14 or an F-5 or an F-4 with a kamikaze pilot. And we can say that maybe they are not very good pilots and so forth, but some of those people have been flying those airplanes for 10 or 15 years, so some of them are bound to be competent aviators.

And with very basic tactics, I think they could certainly put a pretty big rush on a ship if they started flying at it from every direction.

Mr. ARMITAGE. The only thing I can say to make you feel any better at all, Senator, is—and I do not mean to take anything away from my military colleagues, but in our discussions we in the Sit Room, the quotations were made to the Joint Staff: Do not think like a conventional military officer; think kamikaze, think Midway, think Okinawa, things of that nature.

So we are assured that we think we can handle the threat. [Deleted.] And we think we have considered that. I cannot promise you it is not going to happen.

Senator SYMMS. Thank you very much.

Chairman NUNN. Senator Dixon.

Senator DIXON. Thank you, Mr. Chairman.

Admiral, may I go over our presence there again to clarify in the minds of some of the Members what our presence is there now. I thought the other day the testimony was we were relying on the same ships that we had there at the time of the *Stark* incident, with the exception of the fact that we were bringing three additional vessels with antiair capability.

Is that my recollection of testimony on the prior occasion here? Is that correct?

Admiral CARTER. You are correct. We are augmenting with three additional ships.

Senator DIXON. So there are three additional ships that will be in there to the frigates that are already there?

Admiral CARTER. Well, some of the frigates are also at the end of their tours, and so they are turning over.

Senator DIXON. Let me ask you this question. When the *Stark* was attacked, what did we have there?

Admiral CARTER. When the *Stark* was attacked, you had four combatants. Two of them were DDG's, two of them were FFG's.

Senator DIXON. Are any of those coming out?

Admiral CARTER. Yes; some of those are coming out.

Senator DIXON. How many?

Admiral CARTER. Well, several of them. I can go over the list now. The *Fox,* which is a cruiser, is relieving the *Waddell,* and that has taken place. But I can provide you with a list, if you like, of the dates.

Senator DIXON. All I am asking is that, if I understand your statement to me of the ones that were there, some are coming out, but three vessels with antiair capability are going in. How many are coming out? That is all I am asking you.

Admiral **Carter**. We will wind up with the following ships in there when we are done as of July 3. That is, before the time we expect to do any of this escorting, by July 3, you will have three cruisers in there, all AAW capable, all with NTDS downlink, all with the Close-In Weapon System, all with all the electronic countermeasures.

You will have a DDG, one of the largest and most powerful of that class in our inventory, the *Kidd,* which, strange enough, is the one that was originally built for Iran to start with and is in our inventory.

Besides those four, you will have four FFG's: *Flatley,* the *Klackring,* the *Jarrett,* and the *Crommelin.*

Senator **Dixon**. On balance, what will be the additional ships that we have in there over what we had in there at the time of the attack?

Admiral **Carter**. We will have two cruisers——

Senator **Dixon**. No; my question is simple, Admiral. You say you are putting in three antiair capable vessels, you are taking out some. You are taking out some, you are putting in some. I am only asking the addition.

Admiral **Carter**. You will have eight warships total.

Senator **Dixon**. At the time of the *Stark*?

Admiral **Carter**. At the time of the *Stark,* we had five.

Senator **Dixon**. So you have increased it by three?

Admiral **Carter**. Yes.

Senator **Dixon**. You have increased it by three. Are you still considering taking a battleship and putting a battleship in there?

Admiral **Carter**. Yes; the Chiefs are going to meet and talk about that this Friday.

Senator **Dixon**. Are you considering putting any Aegis-class ships in there?

Admiral **Carter**. [Deleted.]

Senator **Dixon**. How many?

Admiral **Carter**. [Deleted.]

Senator **Dixon**. How many do you have?

Admiral **Carter**. [Deleted.]

Senator **Dixon**. So you are considering a battleship [deleted].

Admiral **Carter**. [Deleted.]

Senator **Dixon**. Very good.

Now, one last question. We had a vote the other day, Mr. Secretary, when you and I were talking about the rules of engagement. I would just like to understand now. In a situation such as the *Stark* encountered, would the rules of engagement that you now have for the vessels that will be in there, that will be escorting these Kuwaiti tankers—what would be the permissible activity of the captain with respect to that kind of situation?

Mr. **Armitage**. [Deleted.]

Senator **Dixon**. [Deleted.]

Mr. **Armitage**. [Deleted.]

Senator **Dixon**. Now, you understand the testimony earlier, the first time we had testimony on the *Stark*—that is, the first time in this room—the general and the admiral that were here on that occasion testified that you had no objective rules on distance at all on airspace.

Mr. **Armitage**. Well, we cleared this up [deleted].

Senator **Dixon**. Well, were they wrong on that prior occasion when they answered my questions in that way?

Admiral **Carter**. [Deleted.]

Senator **Dixon**. But do I understand now, Admiral, [deleted].

Is that what you said, Mr. Secretary? [Deleted.]

Mr. **Armitage**. [Deleted.] If they were flying along side, then that would not apply.

Admiral **Carter**. [Deleted.]

Senator **Dixon**. But in the *Stark* situation, where the Mirage was coming, where it made its turn and came directly in from 50 miles out, as I recall launched at about 12 to 15 the Exocet, [deleted]. I thank you.

Chairman **Nunn**. Senator Cohen.

Senator **Cohen**. I was curious about the Chairman's observation that Kuwait is able to jerk us around, the two superpowers, but especially the United States. But what has impressed me is that everybody jerks us around. China jerks us around. I mean, they start talking about the better relations or rapprochement, and the Soviet Union right away, they have got a new deal going with China.

Japan jerks us around. We do not want to have Japan linking up any kind of a technological base with the Soviet Union. India jerks us around when it comes to refueling their nuclear capability.

Pakistan has us over a barrel because of the Afghan program. I think New Zealand so far is the only one that has not managed just yet to jerk us around.

And I suggest it probably reflects a deeper problem, and that is we do not have the support of our allies almost across the board in dealing with other arrangements with the countries that we are forced to deal with. And I will give you an example.

NATO is in the catbird seat on this one. Here they are sitting back. And I agree with you, Mr. Secretary, they will be the first ones to chastize us if we were to back away and do nothing in the face of this, and the Soviet camel sticks his nose under the tent and they say: Where were you? You had an opportunity here to prevent that and you have jeopardized our access to the Persian Gulf by abdicating your responsibility.

And so the question I have is, have we ever put it to them in direct terms, saying: We are prepared to flag these ships and to protect them with force, with the risk of escalation; do you support us, No. 1, publicly? No. 2, diplomatically? No. 3, economically if necessary, to impose sanctions if it starts getting out of hand? And finally, militarily? Are you prepared to do that?

And if they say no, then we say we are not going to do it.

Mr. **Armitage**. We have not put it that way, sir.

Senator **Cohen**. You see, what is going to happen is, I am going to put it to you that these conflicts are going to escalate, that we are going to get burned. [Deleted.]

But I think they see a much more complicated picture in terms of the Iranians being forced to embarrass us, and they will do so in circumstances in which it will be very ambiguous to determine who laid the mine or who fired the shot. And then we are going to be faced with the choice of escalation.

And they have been going what, now, 7 years with the war with Iraq? I predict they could last 7 weeks or 7 months if necessary with the United States, and they know we are going to bail out. Once the casualties start to mount up, we are going to be in a position of having to bail out.

And then the allies are going to be sitting there saying: We told you so; you did not have to do this; you have unnecessarily escalated the conflict; and had you only listened to us wise forces over here, who have had experience in dealing with terrorism and the Persian Gulf, you never would have found yourselves in this position.

I will predict to you this will be a major crack in the NATO alliance by virtue of letting them off the hook in the fashion that we have. And so I have real problems with what we have done by letting them have this position of sitting on the fence and passing judgment over us, and they win either way by showing that their course is the right one. And we are bearing the pain and the risk and the problems in the future.

Mr. ARMITAGE. If I may, I myself am schizophrenic on this. I can argue that position, in fact have. And where I have come a cropper in my own argument with myself is the fact that they do have a luxury. They are not No. 1 and we are. We are.

You cannot escape that. I cannot, you cannot.

Senator COHEN. We cannot be No. 1, we cannot remain No. 1, if they constantly keep undercutting us across the board. Somehow we have got to make that clear, that, you know, you cannot allow the Indians or the Pakistanis or anyone else to constantly put us in the position of having to face the Hobson's choice: Either we take action or the Soviets move in, with you sitting back here saying it is beyond our geographical interest.

We cannot continue to do that, because we are going to be embarrassed by this. I can predict to you now, we are going to be embarrassed by this. We are going to be locked in a situation in which we have suffered some casualties or an attack and we have got to take some action, and they are going to sit back and second guess us and say: You never should have taken that step in the first place.

Okay, I will not debate that here. I just see that coming. And I think the reaction of this country is going to be: We have to reassess our relationship with these countries, who were so wise and yet so unwilling to help defend their own interests and putting the burden on us.

Second, I want to really, I want to ask you a question, and that is, what if Iraq hits the Iranian tankers coming out? What is our policy going to be?

Mr. ARMITAGE. None. They have hit them. [Deleted.]

Senator COHEN. Now, what if the Iranians strategically now, for propaganda purposes, initially were to say: United States, since you are so interested in keeping the free flow of oil coming through, we would like to have the same protection that Kuwait enjoys from you; would you help us and help defend our ships against Iraqi attacks?

What is the response going to be?

Chairman NUNN. Who says that?

Senator COHEN. The Iranians.

Mr. ARMITAGE. My response would be twofold. We do not have relations with Iran, and we would not want to do something that would give her great aid and comfort.

And No. 2, on the practical sense, is that many U.S. shippers are not willing to live up to the standards that we require for reflagging. That is why they go under flags of convenience. I think as a practical matter the Iranians would not be able to do that.

And so from the philosophical and the practical, I think it is not very likely.

Senator COHEN. What if the Iranians were to suggest that, because our ships are being knocked off by the Iraqi air power that is being supplied by the Soviets and others, we may need—the Soviets or the Warsaw Pact, depending upon how the Soviets are playing that at any given time. The notion that Senator Kennedy was talking about, that of having the Soviets go to Iraq and the Warsaw Pact go to Iran, I mean, it is the clearest case of duplicity I have ever seen.

So I think that, in other words, they are having it both ways. The Soviets are still funding all of this, and if they said to the Warsaw Pact shut it down they would shut it down overnight.

Now, what happens if we have a situation where the Iranians then are forced to go to the Soviets and say: Look, we have asked the United States and they have turned us down, and now we would like to have your protection. What does that do?

Mr. ARMITAGE. The only thing I could say is that we would not do it because it would make us a belligerent if we protected Iran, and I suspect that the Soviets would have the same response.

Senator COHEN. But we are protecting Iraq.

Mr. ARMITAGE. Iraq is not a belligerent—I mean, Kuwait.

Senator COHEN. Indirectly we are protecting Iraq by protecting Kuwait.

Mr. ARMITAGE. I do not mean to play a lawyer's game particularly, not being one, but we are taking product from Kuwait. Iraqi product goes primarily out through the pipeline through Turkey. And so we are fairly clean on that. We do not do anything with the cargo or weapons or anything of that nature that serves in any way Iraq's interests.

Now, you can argue money from Kuwait does go to Iraq, and I cannot deny that, and money from Saudi Arabia and other GCC countries goes to Iraq. But I do not think that anyone has suggested, Senator Cohen, that we should not support our moderate friends in general.

And we know that, though they are nonbelligerents and technically neutral in the war, they are certainly not neutral as to the outcome.

Senator COHEN. [Deleted.]

Mr. ARMITAGE. We have to take it into account. I must say, they have not made that presentation to us yet. And I do not mean that pejoratively. We just have not heard that.

Senator COHEN. Would you not want to solicit their assessment?

Mr. ARMITAGE. Having been made aware of it, absolutely.

Senator COHEN. I am just advised by the Vice Chairman here that New Zealand did jerk us around. We do not have any sub bases there any more.

Senator MCCAIN. Mr. Chairman, Senator Cohen seems to have some information that the Secretary and the Admiral do not. The Admiral was asked earlier if there was any difference—I do not know if you were or not—[Deleted].

And the Admiral said they were relatively minor. Yet, Senator Cohen——

Senator COHEN. I do not think so. I think they are fairly major.

Chairman NUNN. That is the same thing Senator Warner said and the same thing my staff said. I have not been briefed on it, but it disturbs me when we get this kind of discrepancy.

Admiral CARTER. [Deleted.]

Senator COHEN. [Deleted.]

Senator WARNER. [Deleted.]

Senator MCCAIN. [Deleted.]

Senator COHEN. [Deleted.]

That is basically what it is.

Mr. ARMITAGE. We will call for that.

Chairman NUNN. I think the time has expired. And Senator Shelby, if I could just take one second.

Have we made any pledges to Kuwait to protect them on land?

Mr. ARMITAGE. No, sir.

Chairman NUNN. No pledges?

Mr. ARMITAGE. No, sir.

Chairman NUNN. Are we discussing anything with them about the land threat?

Mr. ARMITAGE. No. [Deleted.]

It is our belief that the GCC and the Arab League would be called into play first.

Chairman NUNN. We have made no pledges, implicit or otherwise, about a land attack against Kuwait?

Mr. ARMITAGE. No, sir.

Chairman NUNN. Admiral?

Admiral CARTER. I know of no pledges.

Chairman NUNN. You mention the word pledges. That indicates something else to me. I am getting suspicious.

Admiral CARTER. [Deleted.]

Chairman NUNN. Senator Shelby.

Senator SHELBY. I will try to be as brief as I can.

I want to pick up on this. What I found from your testimony here today and some questions and statements that have been made it looks to me that by flagging these ships, we are creating an opportunity for the Iranians.

An opportunity for what? To embarrass us. I do not like. but I agree with, some of the comments and concerns that Senator Cohen has made.

If you have got the Silkworm missiles——

Chairman NUNN. Senator Shelby, excuse me a minute. We have got a vote up. Let me just announce, what I would like to do is, if you complete your questioning, if you have time, then we will take a brief break. I know you have got to go, but we need to get around for everybody to have an opportunity. We will come back.

And Senator Levin, I will have to meet with Senator Byrd. I will not be able to come back. So will you please preside and recognize the people in due course, including yourself, since you are next on the list.

Senator **Levin**. You caught me.

Senator **Shelby**. Anyway, it looks to me like it is an opportunity for the Iranians there. [Deleted.]

What would be more stimulating to the Iranians—they have shown in the past that they would take us on, maybe in limited situations and areas that they could take us on, knowing our propensity—that is, the Americans—to fight back in that area.

[Deleted.]

Mr. **Armitage**. [Deleted.]

Senator **Shelby**. I agree, keep them concerned.

Mr. **Armitage**. But they ought to know that we are going to do something.

Senator **Shelby**. But are you going to sustain this?

Mr. **Armitage**. We cannot do that unless we get your support and the public support. We would not be able to sustain it otherwise.

Senator **Shelby**. Well, is that not a big problem here? I know the President last night made a general statement that—I do not have his words, but that he had had some kind of understanding with the allies, and basically they are not going to do much and you know it and I know it.

You know, we drag them kicking and screaming wherever we go, and that concerns me.

Mr. **Armitage**. Well, if your question is are we having a problem selling this policy, yes, obviously. I was six foot four when I started selling this policy. [Laughter.]

But though my physical height has been diminished, my spirit is not, because we think it is a calculation of national security. That is the way we look at it.

Now, we are going to be judged right or wrong based upon what you fellows think and the men and women of the American public thinks of this. We know that they are aware of what happened in 1973. Five percent disruption in oil, quadruple prices for them.

And just the specter—the specter, not an actual disruption of oil—in 1979 and 1980 doubled the price of oil again. We feel they do have an understanding of the importance of the area. Whether we are doing the right thing or not is why we are spending time with you.

Senator **Shelby**. Do you believe they are going to call our bluff on this?

Mr. **Armitage**. I do not know.

Senator **Shelby**. You know, the flagging is a statement of power.

Mr. **Armitage**. I do not know.

Senator **Shelby**. I hope not.

Thank you.

Mr. **Armitage**. Thank you, Senator Shelby.

[Recess.]

Senator **Levin** [presiding]. Mr. Secretary and Admiral, thank you for waiting here.

Mr. Secretary, first let me ask you about the Russian presence in the gulf. Has there been any Russian commercial ships that have gone into the gulf before this year?

Mr. **Armitage**. [Deleted.]

Senator **Levin**. And that has been going on for a couple of years.

Mr. **Armitage**. Yes.

Senator **Levin**. [Deleted.]

Mr. **Armitage**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Levin**. [Deleted.]

Admiral **Carter**. [Deleted.]

Senator **Levin**. Admiral, I think you testified that General Crist asked, although maybe the Secretary did, for a wish list, [deleted].

Admiral **Carter**. He came in with what he felt he absolutely had to have to do the job earlier, before. The Secretary said, well, tell us what you would like to have, and then we got the wish list from him which had the additional items.

Senator **Levin**. So really the need list came in before the wish list?

Admiral **Carter**. Yes, sir.

Senator **Levin**. And that was not on his first list?

Admiral **Carter**. No.

Senator **Levin**. But it was on his second list, which was the so-called wish list. Now, why did General Crist put that on a wish list? [Deleted.] Do we know?

Admiral **Carter**. No, sir, I would be speculating. I think, just based on military judgment, the more power you can have available and the more flexibility the CINC has at his disposal, the more comfortable you feel.

Senator **Levin**. Have you talked to the General?

Admiral **Carter**. I have not.

Mr. **Armitage**. I have talked to him many times. I believe that an aspect of his thinking on the wish list [deleted]. And I think that was an aspect in his thinking.

Senator **Levin**. If he were here right now would you like [deleted] what would he say?

Admiral **Carter**. [Deleted.]

Senator **Levin**. [Deleted.]

Admiral **Carter**. Yes, sir, I think he would say that.

Senator **Levin**. And he would think the risk would be reduced in this operation [deleted].

Admiral **Carter**. I guess I would have to ask, risk of what? As I said before, there are certain elements of risk in this thing [deleted].

Senator **Levin**. There are certain elements of risk, we were told last week by the Chairman, I believe, [deleted]. I believe Senator Glenn or someone else raised that question. I am not sure who raised that issue.

But at any rate, the Chairman did say [deleted].

Admiral **Carter**. [Deleted.]

Senator **Levin**. That is a deterrent, [deleted]. So in that sense, would it not then reduce the risk [deleted].

Admiral **Carter**. Yes.

Senator **Levin**. [Deleted.]

Admiral CARTER. That is correct.

Senator LEVIN. We asked the Saudis. [Deleted.] Did we ask the Emirates?

Mr. ARMITAGE. [Deleted.]

Senator LEVIN. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator GLENN. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator LEVIN. [Deleted.]

Mr. ARMITAGE. [Deleted.]

Senator LEVIN. Do you think that the public has an important right to know that in judging the extent to which our allies in the gulf are going to support our operation?

Mr. ARMITAGE. Well, on the one hand I would say, yes, of course, openness is good, and to the extent we could show [deleted].

Senator LEVIN. Back if I could to General Crist for a moment, on his wish list. [Deleted.]

Admiral CARTER. No, sir. [Deleted.]

Senator LEVIN. How close is the farthest air base from Iran in Kuwait?

Mr. ARMITAGE. We can supply that.

Senator LEVIN. Is it not at least as far as the width of the Strait of Hormuz? Is it not at least 40 kilometers?

Mr. ARMITAGE. I think it is slightly more. It is slightly more on the map representation.

Senator LEVIN. It looks like it is at least as far from the Kuwaiti base to Iran as it is across the Strait of Hormuz.

Mr. ARMITAGE. The straits are narrower.

Senator GLENN. It is 22 miles across the strait.

Senator LEVIN. That is my point. So in other words, the Silkworm missile is a hell of a lot closer to our ships than Iran is to [deleted].

Mr. ARMITAGE. Yes, sir.

Senator LEVIN. [Deleted.]

Admiral CARTER. I never said that.

Mr. ARMITAGE. I said it the other day.

[Deleted.]

Senator LEVIN. We are not worried about the Kuwaitis—[deleted] though.

Mr. ARMITAGE. [Deleted.]

Senator LEVIN. But it is basically Iranian air, then, that is the problem in terms of a threat, a potential threat [deleted].

Mr. ARMITAGE. And subversion. You will remember, there have been significant subversion activities, [deleted].

Senator LEVIN. Okay. I know my time has expired.

I think Senator Glenn is next.

Senator GLENN. Well, I missed most of this afternoon. I guess my request would be just to repeat everything that has been said, and I will not do that. I am sure you have been through enough this afternoon.

But——

Senator WARNER. Senator Glenn, if I might interrupt, it might be appropriate for you to raise your thoughts on the battleship. We were told on Friday of this week the JCS would consider that issue.

Senator GLENN. We were talking about that privately here before we started. I expressed myself the other day on that and, just so it is in the record here, just let me say this, and this will not take very long.

In any war, one of your objectives is to hit the economic targets that sustain the enemy. And the enemy in this case being Iran, that we are more worried about Iran controlling the gulf than anything else, if I ever saw a place that was designed with a vulnerability along a narrow strip, it is along the coast of Iran, from Kharg Island and the floating anchorages they have there to load the tankers, where they load the shuttle tankers that go down and load out to the international shipping down at Bandar Abbas.

Now, the economic lifeline of Iran runs right down through there, and so it is highly vulnerable. We started talking, somewhat facetiously, about the use of the battleship. But the more I have considered that, the more I think that is absolutely the way we should go.

The battleship is invulnerable, basically invulnerable to any weapons system we know that the Iranians have. We do not know that they have anything that could really sink the battleship. They have limited air, [deleted] and a few other assorted odd airplanes, and that is about it.

So as far as using air attacks to sink a battleship, I think that is virtually impossible. I think the battleship could sail with impunity up and down that coast as far as a warning. There is nothing more impressive psychologically than looking out offshore through your binocs and seeing the USS whatever battleship cruising up and down off your coast, especially if that battleship as you look at it has 16-inch guns trained on Kharg Island or Bushehr or Bandar Abbas, and your search radar is on and you switch to fire control radar, and they are bound to pick that up.

That is pretty impressive. And it just seems to me you would not even need to send any diplomatic messages. They would get the message pretty quick.

And we have four battleships. We could rotate them through there on a 90-day rotation. Nobody wants to stay over in the middle of the gulf too long. But it is the one ship I know of that could sail with impunity up and down the coast.

And I think you could do it and save money, too, because I do not think we really would need to maintain a carrier off the coast out here. I think the battleship could replace the carrier. We could sail a carrier up for show purposes once in a while and back off once again.

But we would not find a need, as I see it, to keep a carrier task force over there out in the Indian Ocean, in the Gulf of Oman, for extended periods of time, as we do now. That is tough duty for those people, and I think we could save money by doing it that way.

Now, we do not need basing rights in there for a battleship. The battleship can maneuver. It is highly visible. Its psychological impact would be great. It has cruise missiles, it has 16-inch guns.

And if Iran was dumb enough to hit any American ship, they would understand that we would give them 12 hours notice to vacate everything off the Kharg Island and then anything of essential importance on Kharg Island is going to disappear. And that is their economic lifeline right there.

And you could say the same thing about Bushehr, you could say the same thing about Bandar Abbas. And to me, the more I have thought about it the more the battleship just becomes the ideal.

If we had to design a weapons system to take on the economic lifeline of Iran, if we had to start from scratch and design one, it would be the battleship basically. And there it is. Why not use it?

Mr. ARMITAGE. May I, Mr. Chairman?

Senator GLENN. I know you and I already have talked about this. I wanted it to be on the record of today's hearing.

Mr. ARMITAGE. I want to put something on the record, with the Chairman's permission. That is, we get accused of a lot of things up here from time to time, but what we should not be accused of is not listening.

[Deleted.] And as the Admiral has indicated, Friday this is the subject of discussion at the Joint Chiefs.

So the only thing I disagree with in your whole discussion was your opening statement about war. We do not want to go to war. We are not trying to go to war.

Senator GLENN. I am with you.

Mr. ARMITAGE. We do not want a war, but other than that.

Senator GLENN. Okay. Just one further statement on this. Your objective there is, No. 1, to deter anything from happening.

Mr. ARMITAGE. That is correct.

Senator GLENN. No. 2 is to have a good defense if something does happen.

Mr. ARMITAGE. That is correct.

Senator GLENN. And No. 3, what we lack right now, except from the carrier, is an immediate response to retaliate capability, so that we will deter any future attacks. Right now we are strictly hunkered down on defense. No team ever wins anything on defense all the time. We are just prepared to take incoming and try and pick it off right now and not get hit.

Now, that is one thing, but the Iranians are not going to be afraid of a frigate sitting out here because it cannot hit them with anything it has on there or do any real substantive damage. If they know that there is a retaliatory capability out there and Bushehr is liable to get hit, Bandar Abbas is liable to get hit, Kharg Island is liable to disappear, in effect—any functional aspect of it, anyway, I am talking about—if they know that, it just seems to me that is absolutely the best deterrence to start that deter-defend-retaliate cycle.

They know that they are going to catch it in the neck and that is their economic lifeline. And so I just think that is the best weapon system we have got.

Let me ask one other thing here, too, and then I will quit. What do you know about the Iraqi pilot? Anything yet as to what his background is? Was he a dyed-in-the-wool Shiite or anything like that? Or has a court of inquiry——

Admiral CARTER. [Deleted.]

Senator WARNER. Is he still alive?

Mr. ARMITAGE. [Deleted.]

Senator **Glenn**. Is there any reason to think that that is not true?

Mr. **Armitage**. I do not have any information.

Admiral **Carter**. I talked to Admiral Rogers at some length about that. [Deleted.]

Senator **Glenn**. The only reason I asked that is a friend of mine was over in that part of the world on quite another mission. He is a businessman now. He is not in government circles, although he used to be. [Deleted.]

And that was the remark that was passed along to me when my friend came back. And since this is a classified hearing, I am not trying to say anything else except just that.

[Deleted.] I trust, just as you do, that this was an accident and it was a mistake in identity and he got a little bit farther south than he had been on his runs before, and that was that. But this was a question.

[Deleted.]

Mr. **Armitage**. Thank you.

Senator **Levin**. Senator Warner.

Senator **Warner**. Senator Glenn, had you finished with your questioning?

Senator **Glenn**. Yes.

Senator **Warner**. When Senator Glenn and I visited, we spent some time with persons that had knowledge of how the British and the French operated. And I remember particularly that Navy captain that escorted us out into the Straits of Hormuz, and he was the principal naval adviser to the Omani Navy.

And then I had the opportunity, as did Senator Glenn, to discuss with others their operational pattern over the past several years and what they proposed to do in the future. And my first question is: have you made an analysis of what they are doing?

I raise that because I think it was Frank Carlucci that said last night, or the President, [deleted]. Was there not some statement to that effect?

Mr. **Armitage**. [Deleted.]

Senator **Warner**. Well, let me tell you——

Mr. **Armitage**. [Deleted.]

Senator **Warner**. [Deleted.]

Mr. **Armitage**. [Deleted.]

Senator **Warner**. That is right. And now we come to my question, and that is, the proposed operation that we have for our protection of the newly flagged vessels and indeed the MSC vessels which have been operating for some time in this area, [deleted].

Admiral **Carter**. [Deleted.]

Senator **Warner**. That is my understanding. [Deleted] than the French and the British?

Admiral **Carter**. [Deleted.]

Senator **Warner**. So therefore it is your assessment that [deleted.]

Admiral **Carter**. Yes, sir, it is.

Mr. **Armitage**. One would have to note, Senator, that the U.K. has had ships hit. Three ships, I think, have been hit over the years by Iran.

Senator **Warner**. But they are merchant ships.

Mr. ARMITAGE. Yes, absolutely.

Senator WARNER. Now, we were discussing, in response to Senator Levin's question, the request put in by CINCCENT. The question was put: [Deleted.]

And I think the reply was yes; was that not correct?

Admiral CARTER. Yes.

Senator WARNER. Then I asked the question of someone, and I think probably this is on the civilian side of the house: Looking at that balance of military assets that we bring into the area and balanced against the threat and the provocation, the degree of provocation that that magnitude of increased forces injects into the overall geopolitical situation—in other words, if we went in and got all the bases that CINCCENT—I remember when I first heard the program up in my office, I threw up my hands and I said to the Secretary: My God, you are really inviting a punch in the nose. I mean, you are just putting all this up there and it is too much.

And I am pleased to see it has been scaled down somewhat. But is there a balance here, a point where we might be provocative by virtue of the magnitude of this force, Mr. Secretary?

Mr. ARMITAGE. [Deleted.] But that is almost exactly the way he put it.

Senator WARNER. Well, that is what he said. And I presume our Secretary of Defense, together with yourself and other advisers and the Chairman, our witness here today from the JCS, have looked in and factored at what point we strike that balance between addressing military risk and not exceeding a force level or having a force level exceed whatever it is.

Mr. ARMITAGE. We absolutely tried to do that.

Senator WARNER. Next, as our ships come into Bahrain—no, I guess it would be the Kuwaiti territorial waters, in connection with their—did you use the word "convey" in protection? What did you use, Admiral?

Admiral CARTER. I said we will convoy, protect, escort, whatever you want.

Senator WARNER. Do we actually go into Kuwait territorial waters?

Admiral CARTER. No, sir.

Senator WARNER. So we do not have a problem of security of our ships in some anchorages or otherwise up in that territorial water?

Admiral CARTER. Our commitment is to protect the ships up to the——

Senator WARNER. I am talking about the protection of U.S. warships when they are perhaps at anchor or on the hook or otherwise refueling. I understand we are going to refuel.

Admiral CARTER. Well, naturally we have to protect ourselves. But I thought you were talking about the Kuwaiti tankers that we bring up.

Senator WARNER. I am talking now about U.S. warships. In conjunction with their mission of convoy, protect, accompany, at some point in time they are going to refuel. [Deleted.]

Admiral CARTER. Yes, sir.

Senator WARNER. So they need to refuel and they might even put in for liberty. What security plan do you have for those ships when they are in the territorial waters, and most particularly dockside for refueling and other purposes?

Admiral CARTER. [Deleted.]

Senator WARNER. But those forces are indigenous in Bahrain, as opposed to in Kuwait. It would appear to me that we have got to get a comparable security force and have it resident in Kuwait.

Mr. ARMITAGE. If I could make a point, we had some ship visits some time ago in Kuwait and [deleted].

We found in previous port calls in Kuwait that they have been quite good. The Admiral was talking about what we do ourselves, talking about our own security plan, in addition to the security the Kuwaitis provide.

Senator WARNER. So in other words, there will be a U.S. presence in Kuwait for the presence of the intermittent docking of ships?

Mr. ARMITAGE. I do not know that. I do not think that is the case. We have to find out.

Senator WARNER. Then I pose the question—and you may provide for the record such answers as you may wish—as to whether or not we will augment Kuwaiti security for the purposes of protecting U.S. assets when in Port Kuwait, either dockside or on the hook or shortly offshore?

Admiral, I think you would want to rethink one answer you gave. [Deleted.]

Admiral CARTER. [Deleted.]

Senator WARNER. [Deleted.] I think quite explicitly for the record, but I want to put it in because it is very important, that the assets aboard our warships are in large part—that is, the present composition of the warships are in large part—point defense. And as such, [deleted].

Admiral CARTER. Unless our ships were positioned between the merchant ship and the threat.

Senator WARNER. That is correct.

Now, about the three cruisers going in; does that improve a little bit?

Admiral CARTER. Well, yes, sir. [Deleted.]

Senator WARNER. So there are some added deterrents against the Silkworm. And lastly, how about those ships? Is there not a deterrence against the small surface vessel threat?

Admiral CARTER. Yes, sir. [Deleted.]

Senator WARNER. [Deleted.]

Admiral CARTER. [Deleted.]

Senator WARNER. I thank you, Mr. Chairman. And I thank the witnesses.

I think we are proceeding in the consultation process, and certainly the administration has been thorough. I said outside that this consultation process at least helps slow down the pace at which we have been moving and had been a constructive contribution by the Congress to a rather difficult problem.

Senator LEVIN. Have the Kuwaitis asked U.S. shipping companies to lease them American vessels? And those would be real U.S. flag vessels at that point.

Commander MINER. In the original meeting that the KOTC held with the Coast Guard, they had offered two tankers. This is the

Maritime Administration. They owned two tankers and they were in discussions with the KOTC about leasing those tankers.

Now, those discussions as I understand it are still ongoing.

Senator **Warner**. Would you allow me to observe here for a moment that I was approached over the weekend by some representatives of the maritime industry, and they gave me a list of U.S. flag tankers that are laid up right now, any one of which they represent could have done the job of this reflagged 11 ship fleet.

Senator **Levin**. The same size vessel?

Senator **Warner**. Well, give or take a little tonnage. But I think we have over 100 U.S. flag vessels laid up because of the inability economically to go out and work in the trades.

And believe me, the maritime industry of the United States are very, very concerned.

Senator **Levin**. Well, what is the holdup, if the Kuwaitis are interested in leasing the ships?

Commander **Miner**. Sir, I was not part of the leasing process.

Mr. **Armitage**. I do not know that we know there is a problem. But we will let you know for the record.

Senator **Levin**. I have got a lot less difficulty in protecting honest to God American ships or people going anywhere in this world than I have with going through what, kind of a fig leaf reflagging effort, which to the eyes of most people I think is just really a fiction.

And you know, I feel strongly, as John Glenn does, about protecting American property interests in the gulf. When you go through this kind of a fig leaf process, then I have got real doubts, and I am wondering why we even have to go through that.

But we have got ships that are sitting there that might be able to do the job.

Mr. **Armitage**. We found in one particular case, Senator Levin, we had an American flag carrier who was carrying tanks, bought under the FMS, to Bahrain. This American-flag carrier refused to enter the gulf, and we told him we would protect him, this was our job.

He refused to enter the gulf. We had to offload those tanks in Oman, put them on a Kuwaiti merchant, and then we had to escort the Kuwaiti. This was one of the two occasions where we have escorted Kuwaiti flag vessels.

Senator **Levin**. Could you provide for the record the status of those negotiations? Because again, this bothers me a great deal.

Mr. **Armitage**. Yes, sir.

[The information follows:]

Status of MARAD Negotiations With Kuwaiti Oil Tanker Co.

The Maritime Administration (MARAD) sent representatives to the first meeting with the Kuwaiti Oil Tanker Company (KOTC) representative at USCG Headquarters in April. They discussed KOTC's interest in leasing two 265,000 DWT VLCCs which MARAD was repossessing from SEATRAIN. KOTC has negotiated leasing arrangements with MARAD and it appears that they want a one year lease on these tankers. However, there are two remaining impediments to closing the deal. First, the foreclosure proceedings must be completed on the west coast, where the vessels are located. MARAD expects to take possession of these tankers in late August or early September. Second, after MARAD takes possession, these ships will be up for public sale or lease. However, because of the current depressed market, MARAD does not expect to get any bids more favorable than what is expected as the bottom line in negotiations with KOTC.

Senator WARNER. Mr. Chairman, at this point I would like to announce that I am going to put some material in the record.

[The material referred to follows:]

DISTRICT 2, MARINE ENGINEERS BENEFICIAL ASSOCIATION-ASSOCIATED MARITIME OFFICERS, AFL-CIO,

Brooklyn, NY, May 28, 1987.

Re Reflagging of Kuwait National Oil Company Vessels.

Hon. ELIZABETH H. DOLE,
Secretary of Transportation, Department of Transportation, Washington, DC.

DEAR MADAME SECRETARY: During the past several weeks national attention has been focused on the evolving situation in the Persian Gulf. District 2 of the Maritime Engineers applauds the Reagan Administration's commitments to and goals of upholding freedom of the seas and the civilized rule of law as well as supporting our Middle Eastern Allies.

As stated in the media, the Administration currently intends to demonstrate these commitments and goals by changing a completely foreign operating tanker fleet into one nominally flying the United States Flag. These vessels are now owned and operated by the Kuwait government through the Kuwait National Oil Company, have East European or Communist-bloc officers and crew and do not meet United States legal standards of vessel construction or operation. The proposal to change the vessels registry to allow them to fly the United States Flag should be done within both the letter and the spirit of our laws governing such registry.

Specifically, we must insist that United States laws governing the registry of vessels under the United States Flag be enforced. In certain respects these laws may be waived by the Executive Branch officers who are charged with their implementation, but such waiver must be in accordance with the Congressional intent, the statute and administrative procedure. When no such waiver is available, the law as enacted by Congress must be implemented by the Executive Branch no matter how tempting the supposed results of a contrary action may appear. Of course, if a statute is a hindrance to our foreign policy in any respect, Congress may address it directly with legislative action. That is the appropriate government course of action and it would be unwise to believe that an equally acceptable course would be to ignore the law's mandate.

We therefore request that your Department take no action to register these vessels under the United States Flag until such requirements of law are fulfilled. I believe we can both agree that one of those mandatory requirements is to insure that the Master, Chief Engineer and all officers in charge of deck and engine room watches are United States citizens. A similar citizenship requirement exists for 75% of the unlicensed crew of these vessels.

Further, we are concerned that no Maritime industry leaders have been consulted on this sensitive matter. We have learned about all these events only through the national media. We have much to contribute to the implementation of these policies and we believe that it is to the Administration's benefit to confer with representatives of the maritime industry. If you do not feel this is appropriate, the only remedy left to the industry is legal action, a step which we would take only with reluctance and only as a last resort.

Thank you in advance for any positive action taken by your Department.

Sincerely,

RAYMOND T. MCKAY, *President.*

DISTRICT 2, MARINE ENGINEERS BENEFICIAL ASSOCIATION-ASSOCIATED MARITIME OFFICERS, AFL-CIO,

Brooklyn, NY, May 28, 1987.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense, Department of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: Recent Administration suggestions, as reported in the national media, have called for reflagging to United States Flag the Kuwaiti national oil tanker fleet. We in the maritime industry wish to point out that these proposals do not appear to have taken into account what we regard as our true national interests and certain requirements of law. In addition, such proposals appear inconsistent with certain Deparment of Defense policies excluding United States vessels from shipping government military cargo through the Persian Gulf ostensibily on "safety" grounds.

Preliminarily, we draw your attention to the fact that the United States Flag merchant marine is a depressed industry with many United States Flag vessels—both tanker and dry cargo—laying idle and many American merchant mariners unemployed ashore. The American merchant marine is a recognized integral element of our defense and its employment to maintain a ready and active mobilization base is a national priority.

Statute requires certain officers and unlicensed men aboard United States registry vessels to be United States citizens. In addition, other statutes require other conditions precendent to United States registry.

An additional problem, not generally known to either the public or the maritime industry, has a bearing on the reflagging issue. The Defense Fuel Supply Center, pursuant to an obsolete 1969 DOD Instruction, has been using Kuwait National Oil Company tankers with their Communist-bloc crews to carry U.S. military cargo subject to the Cargo Preference Acts of 1904 and 1954. It has simultaneously worked actively to exclude any American tanker company from carrying such military cargo. Those companies which attempt to bid on such cargo are discouraged from doing so by rigged bidding procedures. The Cargo Preference Acts of 1904 and 1956 currently call for oil cargo purchased for U.S. military consumption to be carried from Kuwait to U.S. bases aboard U.S. flag vessels. At present, the Defense Fuel Supply Center refuses to allow U.S. tankers to carry such cargo, paid for with taxpayers appropriated funds, from Kuwait. DFSC currently ships the petroleum in Kuwaiti tankers to the Port of Khor Fakkan, Emirate of Oman, outside the Persian Gulf and there transfer the product to a United States owned and operated vessel for trans-shipment to its destination, the U.S. military men. DFSC grounds its refusal to allow United States Flag tankers to carry the product from Kuwait to Khor Fakkan on the fact that the Persian Gulf is "too dangerous," thereby refusing to enforce freedom of the seas for United States vessels. Now the government plans to deputize foreign flag tankers to carry both U.S. owned military and commercial cargo and to protect those foreign flag tankers with U.S. warships at the same—if not greater—risk to those Kuwaiti tanker as if it had followed the law and maintained the freedom of the seas by protecting U.S. flag ships carrying U.S. military supplies.

If the Administration wishes to protect American interests in the Persian Gulf, no greater demonstration of this concern could be made but to announce and enforce: that those waters are international waters; that freedom of the seas including free and safe passage of American Flag vessels from neutral Kuwait will be guaranteed by the United States; that U.S. military cargo will be carried from Kuwait in accordance with United States law; and, similarly, vessels of United States registry will be manned and operated in accordance with that law.

Very truly yours,

RAYMOND T. MCKAY, *President.*

U.S. FLAG TANKER—VESSEL LAY UP—JUNE 2, 1987

Size	Vessel	Owner	Location	Date
390	UST Atlantic	Shell	Brunel	July 1981.
390	UST Pacific	Shell	Brunel	Do.
226	Williamsburg	AM. Petrofina	Portland	March 1984.
26	Texaco Maryland	Texaco	Port Arthur	January 1985.
30	Pride	AM. Heavy	Port Arthur	Do.
47	Jacksonville	Hess	St. Croix	February 1985.
39	Charleston	Hess	St. Croix	March 1965.
47	New York	Hess	St. Croix	March 1985.
264	Maryland	MARAD	Portland	June 1985.
264	Massachusetts	MARAD	Trinidad	July 1985.
37	Falcon Countess	Palcon	Labuan	September 1985.
39	Fredericksburg	Hess	St. Croix	February 1987.
90	Golden Monarch	Hess	St. Croix	March 1986.
35	Carol Ingram	NORSHIPCO	Norfolk	June 1986.
35	Martha Ingram	NORSHIPCO	Tampa	July 1986.
26	New York	MARAD	Portland	Do.
39	Exxon Gettysburg	Exxon	San Francisco	October 1986.

U.S. FLAG TANKER—VESSEL LAY UP—JUNE 2, 1987—Continued

Size	Vessel	Owner	Location	Date
50	Mount Washington	Victory	Port Arthur	November 1986.
50	Bennington	Keystone	Orange	January 1987.
30	Chablis	Apex	Tampa	March 1987.
37	OMI Leader	OMI	Tampa	Do.
37	Spirit of Liberty	Keystone	Orange	Do.
37	OMI Willamette	Omi	Port Arthur	Do.
32	Concho	Davis Int	Port Arthur	April 1987.
34	St. Emilion	Apex	Tampa	Do.
50	Chesapeake	Hess	Orange	Do.
27	Sealift Arabian Sea	MSC	Port Hueneme	Do.
30	Samdell. Cobb	MSC	Southhampton	Do.
80	Copper Mountain	Apex	Tampa-Repair	Do.
50	Chesapeake Trader	AT&T	Port Arthur	May 1987.
37	Falcon Princess	Falcon	Port Arthur	Do.
113	Manhattan	Seatrain	Korea	Do.
47	Baltimore	Hess	New York-repair	Do.
30	Paul Buck	MSC	Port Arthur	Do.
30	Montracret	Apex	Port Neches	Do.
49	Cove Trader	Cove	Horile	Do.
50	Delaware Trader	AT&T	Port Arthur	Do.
225	Bay Ridge	Seatrain	Portland	Do.
37	Omi Charger	Omi	Jacksonville	June 1987

The following crude oil tankers will be unemployed on the date listed below:

AVAILABLE U.S. FLAG TANKERS

Size	Vessel	Owner	Location	Date
50	Potomac Trade	AT&T	USG	June 4.
123	Prince William Sound	Sun	USWC	June 5–10.
50	Petersburg	Keystone	USWC	June 6–8.
69	Cove Liberty	Cove	USG	June 15.
71	Cove Leader	Cove	USG	June 25–30.
73	Overseas Antalie	OSG	USG	June 25–30.
188	B.T. Alaska	Shell	USWC	August 4.
188	B.T. San Diego	Shell	OSWC	Do.

Senator LEVIN. You have indicated in this report that we can guarantee that the tankers will carry no contraband. What are we going to do? Are we going to inspect each of these?

Mr. ARMITAGE. We have at least a U.S. master on it. [Deleted] but he will have to so certify to us.

Senator LEVIN. That means that our personnel, responsible to this government, will be inspecting these reflagged ships before they enter the gulf?

Mr. ARMITAGE. In a manner of fashion. I mean, the masters of the ships are going to certify to us.

Senator LEVIN. Is the master responsible to this government?

Mr. ARMITAGE. He is responsible to the convoy commander. I do not think he is responsible to the government per se.

Senator LEVIN. Iran stops ships, as I understand it, to look for contraband. Do they ever stop any British ships?

Mr. ARMITAGE. Our lawyer says they have stopped everything at one time or another.

Senator **Levin**. What do the British do when they try to stop the British ships, or they do stop the British ships?

Mr. **Armitage**. [Deleted.]

Senator **Levin**. [Deleted.]

Captain **DeBobes**. We are going to do as we did in World War II. We are going to certify the lack of contraband on escorted vessels.

Senator **Levin**. We expect the Iranians to accept such a certification?

Captain **DeBobes**. Yes, sir.

Senator **Levin**. Have you had any conversations, directly or indirectly, with them?

Captain **DeBobes**. No, sir.

Senator **Levin**. That would be through the Swiss.

Just one additional question, and that is, does any other country refuse—well, let me go back. The Soviets are going to be escorting ships now, too, as I understand it, is that right?

Mr. **Armitage**. They have been.

Senator **Levin**. Have they been boarded by Iranians looking for contraband?

Mr. **Armitage**. [Deleted.]

Senator **Levin**. Is it legal for the Iranians under international law to search ships for contraband going to, first of all, Iraq?

Captain **DeBobes**. Absolutely.

Senator **Levin**. And second of all, Kuwait?

Captain **DeBobes**. If it is suspected as being a transshipment point for arms, yes.

Senator **Levin**. Do they suspect Kuwait to be a transshipment point?

Captain **DeBobes**. [Deleted.]

Senator **Levin**. So under international law, it is legal for the Iranians to inspect, physically inspect?

Captain **DeBobes**. To conduct visit and search on the high seas.

Senator **Levin**. And if we refuse that visit?

Captain **DeBobes**. If you refuse it, except under the practice that we developed in World War II of refusing only when we are certifying, based upon convoying those ships—in other words, the U.S. Government is certifying an absence of contraband.

Senator **Levin**. So you are saying international law practice allows for our government to certify—it is a government certification and not private—to certify that there is no contraband on a ship going into the gulf, and under international practice that is acceptable in lieu of a search?

Captain **DeBobes**. Yes, sir, and that is what we did in World War II.

Senator **Levin**. And that has also been accepted since then or before then?

Captain **DeBobes**. I do not think there has been the occasion. I do not think there has been convoying since World War II.

Senator **Levin**. Do we have any reason to believe the Iranians will accept that practice? We have not had any discussions with them, directly or indirectly?

Captain **DeBobes**. [Deleted.]

Senator **Levin**. So they have already accepted the certification from us?

Captain **DeBobes**. No, they have never in fact asked to visit and search a ship that we were escorting.

Senator **Levin**. We just do not know how they would respond if we said, here is a piece of paper instead of a search on a Kuwaiti reflagged ship. They might say: Hey, sorry, that is not good enough; there is no international precedent except World War II. And we just do not know how they will respond.

Captain **DeBobes**. We are not positive.

Senator **Levin**. OK, thanks.

We have held you here probably longer than we promised. You are good to be so patient. Thank you.

Mr. **Armitage**. Thank you very much, Mr. Chairman.

[Whereupon, at 6:02 p.m., the committee was adjourned.]

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